

भारत राजपत्र **The Gazette of India**

प्राधिकार से प्रकाशित

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No 2] NEW DELHI: SATURDAY, JANUARY 13, 1968/PAUSA 23, 1989

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलन संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे विवे भारत के असाधारण राजपत्र १२ दिसम्बर १९६७ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 12th December 1967.

Issue No.	No. and Date	Issued by	Subject
524	S.O. 4050, dated 9th November, 1967.	Ministry of Commerce	Suspension of forward trading in Jute goods.
525	S.O. 4051, dated 9th November, 1967.	Ministry of Information & Broadcasting.	Approval of the films as specified therein.
526	S.O. 4052, dated 10th November, 1967.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1962.
527	S.O. 4053, dated 10th November, 1967.	Ministry of Finance.	Exempting gin, whisky and rum of Nepalese origin when imported from Nepal into India from the additional duty leviable thereon.
528	S.O. 4054, dated 10th November, 1967.	Ministry of Food, Agriculture, Community Development and Cooperation.	Substitution of date.
529	S.O. 4134, dated 13th November, 1967.	Ministry of Commerce.	Recognition of the Alleppey Oil Millers' and Merchants' Association, Alleppey in respect of forward contracts in pepper.
530	S.O. 4135, dated 14th November, 1967.	Do.	The Imports (Control) Seventh Amendment Order, 1967.

Issue No.	No. and Date	Issued by	Subject
531	S.O. 4136, dated 14th November, 1967.	Ministry of Law.	By-Election of the 2 Madras South Parliamentary Constituency.
532	S.O. 4137, dated 15th November, 1967.	Ministry of Commerce.	Amendment to the Exports (Control) Order, 1962.
533	S.O. 4138, dated 15th November, 1967.	Do.	Extending the management of the Authorised Controller of the Mevar Textile Mills Ltd., Bhilwara for a further period upto and inclusive of 31st December, 1967.
534	S.O. 4139, dated 15th November, 1967.	Do.	Authorising Shri S. N. Shukla to take over the management of the Mahalaxmi Mills Company, Limited, Beawar.
535	S.O. 4140, dated 16th November, 1967.	Do.	Suspension of forward trading in Jute goods.
536	S.O. 4141, dated 20th November, 1967.	Ministry of Finance.	Devaluation of Sterling.
	S.O. 4142, dated 20th November, 1967.	Do.	Devaluation of Sterling.
537	S.O. 4143, dated 20th November, 1967.	Election Commission, India.	Calling upon the elected members of the Legislative Assembly of the State of Orissa to elect a person to the State of Orissa in the Council of States.
	S.O. 4144, dated 20th November, 1967.	Do.	Appointment of dates for the above election (S.O. 4143).
	S.O. 4145, dated 20th November, 1967.	Do.	Fixation of hour for the above election (S.O. 4143).
	S.O. 4146, dated 20th November, 1967.	Do.	Designating the Secretary, Orissa Legislative Assembly Department to the Returning Officer for the above election (S.O. 4143).
	S.O. 4147, dated 20th November, 1967.	Do.	Appointing the Assistant Secretary, Orissa Legislative Assembly Department to assist the Returning Officer for the above election (S.O. 4143).
538	S.O. 4148, dated 20th November, 1967.	Ministry of Home Affairs.	Declaration that the Commission of Inquiry regarding the disturbances that took place in the Central Jail, Tihar, New Delhi on the 29th June, 1967 shall cease to exist on and from the 20th November, 1967.
539	S.O. 4194, dated 30th November, 1967.	Ministry of Information & Broadcasting.	Approval of the films as specified therein.
540	S.O. 4195, dated 30th November, 1967.	Do.	Approval of the films as specified therein.

Issue No.	No. and Date	Issued by	Subject
541	S.O. 4196, dated 30th November, 1967.	Ministry of Commerce.	Suspension of forward trading Jute goods.
542	S.O. 4197, dated 30th November, 1967.	Do.	Further amendment to the Exports (Control) Order, 1962.
543	S.O. 4198, dated 30th November, 1967.	Do.	Further amendment to the Exports (Control) Order, 1962.
544	S.O. 4199, dated 1st December, 1967.	Ministry of Finance.	Appointment of Shri V.N. Bhatia Secretary, Ministry of Law (Legislative Department) as chairman of the Foreign Exchange Regulation Appellate Board.
545	S.O. 4200, dated 2nd December, 1967.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1962.
546	S.O. 4201, dated 4th December, 1967.	Do.	Further amendment to the Exports (Control) Order, 1962.
547	S.O. 4202, dated 4th December, 1967.	Ministry of Law.	Bye-election to fill casual vacancy
548	S.O. 4203, dated 4th December, 1967.	Ministry of Finance.	Notifying the Andhra Pradesh Industrial Development Corporation Limited, Hyderabad for Income-tax.
549	S.O. 4355, dated 4th December, 1967.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1962.
550	S.O. 4356, dated 5th December, 1967.	Do.	Quality Control and preshipment inspection of bicycles.
	S.O. 4357, dated 5th December, 1967.	Do.	The Export of Bicycles (Quality Control and Inspection) Rules, 1967.
	S.O. 4358, dated 5th December, 1967.	Do.	Recognition of inspection agencies for quality control and inspection of bicycles, etc.
	S.O. 4359, dated 5th December, 1967.	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to bicycles.
551	S.O. 4360, dated 5th December, 1967.	Ministry of Information & Broadcasting.	Approval of the films as specified therein.
552	S.O. 4361, dated 5th December, 1967.	Ministry of Finance.	Notifying the National Industrial Development Corporation, New Delhi as a financial institution for the purposes of the income-tax.
553	S.O. 4362, dated 7th December, 1967.	Ministry of Commerce.	Suspension of forward trading in Jute goods.

Issue No.	No. and Date	Issued by	Subject
554	S.O. 4363, dated 8th December, 1967.	Ministry of Commerce	Corrigendum to S.O. 3232, dated 11th September, 1967.
555	S.O. 4364, dated 8th December, 1967.	Ministry of Finance.	Recognition to the Delhi Stock Exchange Association Ltd., Delhi for a further period of five years upto 8th December, 1972 subject to the conditions stated therein.
556	S.O. 4365, dated 8th December, 1967.	Ministry of Health, Family Planning and Urban Development.	Nominating Shri Satya Narayan Sinha, Minister for Health, Family Planning & Urban Development as a member of the All India Institute of Medical Sciences, New Delhi.
	S.O. 4366, dated 8th December, 1967.	Do.	Nominating Shri Satya Narayan Sinha, as the president of the All India Institute of Medical Sciences New Delhi
	S.O. 4367, dated 8th December, 1967.	Do.	Nominating Shri Satya Narayan Sinha, Minister of Health, Family Planning and Urban Development as a member of the Post-graduate Institute of Medical Education and Research, Chandigarh.
	S.O. 4368, dated 8th December, 1967.	Do.	Nominating Shri Satya Narayan Sinha, as the President of the Post-graduate Institute of Medical Education and Research, Chandigarh.
557	S.O. 4369, dated 8th December, 1967.	Ministry of Home Affairs.	Extending upto 31st March, 1968 the period within which the Commission of Inquiry appointed by the Government shall make its report.
558	S.O. 4370, dated 8th December, 1967.	Ministry of Information and Broadcasting.	Approval of the films as specified therein.
559	S.O. 4371, dated 9th December, 1967.	Ministry of Commerce.	Corrigendum to S.O. 2779, dated 11th August, 1967.
560	S.O. 4447, dated 11th December, 1967.	Do.	The Imports (Control) Eighth Amendment Order, 1967.
561	S.O. 4448, dated 11th December, 1967.	Do.	Quality Control and preshipment inspection of dried fish.
562	S.O. 4449, dated 12th December, 1967.	Do.	Appointment of a panel of experts for hearing appeals for export of sewing machines.
563	S.O. 4450, dated 12th December, 1967.	Do.	Appointment of a panel of experts for hearing appeals for export of Automobile spares, components and Ancillaries.

Issue No.	No. and Date	Issued by	Subject
564	S.O. 4451, dated 12th December, 1967.	Ministry of Commerce	Appointment of a panel of experts for hearing appeals for export of Small Tools and Hand Tools.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

ORDERS

New Delhi, the 18th October 1967

S.O. 104.—Whereas the Election Commission is satisfied that Shri Ramkishore Raghunath a contesting candidate for election to the House of the People from Balaghat constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act the Election Commission hereby declares the said Shri Ramkishore Raghunath to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/20/67.]

New Delhi, the 14th December 1967

S.O. 105.—Whereas the Election Commission is satisfied that Shri A. Ahad Khan a contesting candidate for election to the House of the People from Bhopal constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri A. Ahad Khan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/28/67.]

New Delhi, the 18th December 1967

S.O. 106.—Whereas the Election Commission is satisfied that Shri Chandanlal a contesting candidate for election to the House of the People from Mandla constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chandanlal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/21/67(1).]

S.O. 107.—Whereas the Election Commission is satisfied that Shri Shyamlal a contesting candidate for election to the House of the People from Mandla constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shyamlal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/21/67(2).]

S.O. 108.—Whereas the Election Commission is satisfied that Shri Manohar Laxman Sar Dessai a contesting candidate for election to the House of the People from Marmagao constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any good reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Manohar Laxman Sar Dessai to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. Goa-LA/2/67(1).]

New Delhi, the 19th December 1967

S.O. 109.—Whereas the Election Commission is satisfied that Shri K. Kishtappa Mudaliar of Melakondayar Village, Siranvayal Post, Tiruvallur Taluk, Chingleput District (Madras State), a contesting candidate for election to the House of the People from 5-Tiruttani Parliamentary constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Kishtappa Mudaliar to be disqualified for being chosen as, and for being, a member of either House of Parliament or

of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MD-HP/5/67(1).]

S.O. 110.—Whereas the Election Commission is satisfied that Shri Arumuga Mudaliar of Kadambattur Village and Post, Tiruvellore Taluk, Chingleput District, Madras State, a contesting candidate for election to the House of the People from 5-Tiruttani Parliamentary constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Arumuga Mudaliar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MD/HP/5/67(2).]

New Delhi, the 22nd December 1967

S.O. 111.—Whereas the Election Commission is satisfied that Shri Shankrappa Sharnappa, Shankrappa Shivpure, Ex-MLA Chincholi, Taluk Chincholi, a contesting candidate for election to the House of the People from 2. Gulbarga constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declare the said Shri Shankrappa Sharnappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MY-HP/2/67.].

New Delhi, the 29th December 1967

S.O. 112.—Whereas the Election Commission is satisfied that Shrimati Shibeshwari Debi, Hajipur, P.O. Hajipur, District Muzaffarpur, Bihar a contesting candidate for election to the Bihar Legislative Assembly from Hajipur constituency, has failed to lodge an account of her election expenses as required by the representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that she has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shrimati Shibeshwari Debi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/9/67(19).]

New Delhi, the 30th December 1967

S.O. 113.—Whereas the Election Commission is satisfied that Shri Om Prakash c/o Shri Shiv Dayal Sharma, Adarsh Nagar, Ajmer a contesting candidate for election to the House of the People from Ajmer Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Om Prakash to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. RJ-HP/11/67(1).]

S.O. 114.—Whereas the Election Commission is satisfied that Shri Teju Mal, House No. 1127, Adarsh Nagar, Ajmer a contesting candidate for election to the House of the People from Ajmer Constituency, has failed to lodge an account of his election expenses within the prescribed time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Teju Mal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. RJ-HP/11/67(2).]

S.O. 115.—Whereas the Election Commission is satisfied that Shri Charu Sahana, Village Andharthole, Post Office Andharthole, District Bankura, a contesting candidate for election to the House of the People from Vishnupur Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Charu Sahana to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. WB-HP/34/67(93).]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF LAW (Legislative Department)

New Delhi, the 27th December 1967

S.O. 116.—In pursuance of section 20 of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952), the Central Government hereby publishes the order made on the 29th September, 1967 by the Supreme Court of India, in Election Petition No. 4 of 1967.

“IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION.

ELECTION PETITION No. 4 OF 1967

(Name struck off *vide* this Court's Order dated 11th August, 1967).—Petitioner.

Versus

1. Dr. Zakir Hussain of No. 6, Moulana Azad Road, New Delhi.
2. Shri Koka Subbarao of No. 2, Motilal Nehru Marg (York Road), New Delhi.
3. Shri Yamuna Prosad Trisulia, of village and Post Midda, Distt., Ballia.

4. Shri Khubi Ram, of Village Daboocha, Tehsil and Distt., Gurgaon (Haryana).
5. Shri Bhamburkar Shriniwas Gopal of No. 222, Sadashiv Peth, Poona-9.
6. Shri Brahma Doo of Village Reotipur-Ghazipur, (U.P.) c/o. Shri B. P. Sinha, 18/11, West Patel Nagar, New Delhi.
7. Shri Kumar Kamla Singh, Editor, "Anger" Weekly Motihari, Champaran (Bihar).
8. Shri Chandradut Sanani of Sukulpur, Pratapgarh (U.P.).
9. Shri U. P. Chugani, Advocate, Fatehgarh, Bhopal (M.P.).
10. Dr. M. C. Davar, Connaught Place, Block B/31/32, New Delhi.
11. Ch. Hari Ram Advocate, Hari Niwas, Rohtak (Haryana).
12. Dr. Man Singh, Editor, 'Indian Doctor', Barnala, Punjab.
13. Shrimati Manohora Halkir, of 387, Govindpura Raisen Road, Bhopal.
14. Shri Motilal Dhikhabhai Patel, of Gawada, Ta, Vijapur, Distt., Mehsana (N.G.).
15. Shri Setharamaiah Ramaswamy Sharina Hoysala, Advocate, No. 77 Wilson Garden Division, Besavanagudi, Bangalore.
16. Swami Satyabhakt, of Satyashram, Borgaon, Wardha (Maharashtra).—*Respondents.*

29th September 1967.

Coram:

Hon'ble the Chief Justice.
 Hon'ble Mr. Justice R. S. Bachawat.
 Hon'ble Mr. Justice V. Ramaswami.
 Hon'ble Mr. Justice G. K. Mitter.
 Hon'ble Mr. Justice K. S. Hegde.

For the Petitioner: Mr. Janardan Sharma.

Whereas the Petitioner above-named had on the 17th July, 1967, presented a petition to this Court under Part III of the Presidential and Vice-Presidential Elections Act 1952 (Act No. XXXI of 1952) praying *inter alia* that the election of Respondent No. 1 above-named as President of India be declared void; AND WHEREAS consequent upon the default committed by the Petitioner above-named in not complying with the provisions of Rule 15 Order 39, Supreme Court Rules 1966 this Court by its Order dated the 11th August 1967 was pleased to Order that the name of the Petitioner herein be struck off from the petition under rule 25 Order 39, Supreme Court Rules 1966 and further directed that the fact of the striking off the name of the Petitioner herein be published under rule 26 *ibid* in the official Gazette and one newspaper *viz.* "Statesman" Calcutta and that notice be given that within 14 days of the publication thereof in the Official Gazette any other candidate or another 10 electors who might himself or themselves as Petitioner or Petitioners apply for substitution to this Court; AND WHEREAS THE notice mentioned above was published in the Official Gazette on the 26th August, 1967, and in the "Statesman" Calcutta on September 2, 1967; AND WHEREAS on the expiry of 14 days as stipulated in the said notice neither any other candidate for the Presidential Election nor 10 electors made any application to this Court for substitution of his or their names as petitioner or petitioners in place of the petitioner above-named; AND WHEREAS the Petitioner above-mentioned was posted for further Orders under rule 26 Order 39, Supreme Court Rules 1966 before the Court on the 29th day of September 1967 UPON perusing the office report THIS COURT DOTH ORDER that the petition above-mentioned be and is hereby dismissed;

Witness the Hon'ble Mr. Kailas Nath Wanchoo, Chief Justice of India at the Supreme Court, New Delhi this the 29th day of September, 1967.

[No. F. 23(71)/67-Elec.]

Sd./- M. P. SAXENA, Dy. Registrar.

New Delhi, the 29th December 1967

S.O. 117.—In pursuance of section 20 of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952), the Central Government hereby publishes the order made on the 7th November, 1967 by the Supreme Court of India, in Election Petition No. 3 of 1967.

“IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION

ELECTION PETITION NO. 3 OF 1967

(Under Part III of the Presidential and Vice-Presidential Election Act, 1952.).

Shri Bhamburkar Shrinivas Gopal, 222, Sadashiv Peth, Poona-9.—*Petitioner.*

Versus

1. Shri Brahma Deo, Village Reotipur Ghazipur, U.P., c/o Shri B. P. Sinha, 18/11, West Patel Nagar, New Delhi.
2. Shri Chandradutt Senani, Sukulpur, Pratapgarh (U.P.).
3. Shri U. P. Chugani, Advocate, Fatehgarh, Bhopal (M.P.).
4. Dr. M. C. Davar, Connaught Place, Block B/31/32, New Delhi.
5. Ch. Hari Ram, Advocate, Hari-Niwas, Rohtak (Haryana).
6. Shri Khubi Ram, Village Dabodha Tehsil and Distt. Gurgaon (Haryana).
7. Shri Koka Subarao, Bangalore (Mysore State).
8. Shri Krishan Kumar Chatterjee, 13, Bhagabati Lane, Calcutta-26.
9. Shri Kumar Kamla Singh, Editor 'Angar' Weekly Motihari, Champaran (Bihar).
10. Dr. Man Singh, Editor 'Indian Doctor', Barnala, Punjab.
11. Shrimati Manohara Holkar, 387, Govindpura Raisen Road, Bhopal.
12. Shri Seetharamaiah Ramaswamy, Sharma Hoysala, Advocate, No. 77 Wilson Garden Division, Besavanagudi, Bangalore.
13. Shri Motilal Bhikhabhai Patel, Gawada Teh. Vijapura Distt., Mehsana (N.G.).
14. Swami Satyabhakt Satyashram, Borgaon, Wardha (Maharashtra).
15. Shri Yamuna Prasad Trishulia Village and Post, Middha Distt., Ballia.
16. Dr. Zakir Hussain, Rashtrapati Bhawan, New Delhi.
17. Shri B. N. Banerjee, Returning Officer, Parliament House, New Delhi.—*Respondents.*

7th November, 1967

Coram:

Hon'ble the Chief Justice.

Hon'ble Mr. Justice R. S. Bachawat.

Hon'ble Mr. Justice V. Ramaswami.

Hon'ble Mr. Justice G. K. Mitter.

Hon'ble Mr. Justice K. S. Hegde.

For the Petitioner.—Mr. R. V. S. Mani, Advocate.

For Respondent No. 8.—Mr. Janardan Sharma, Advocate.

For Respondent No. 10.—In Person (Not Present).

For Respondent No. 13.—M/s. M. V. Goswami, Advocate and C. C. Patel, Adv.

For Respondent No. 15.—Mr. R. A. Gupta, Advocate, and Mr. Bhimsena Rao, Adv.

For Respondent No. 16.—Mr. M. C. Setalvad, Sr. Advocate, Mr. A. S. Nambiar, Adv. with him.

For Election Commission and Returning Officer (Vide Court's order dated the 13th June, 1967).—Mr. C. K. Daphtary, A.G. for India M/s. R. H. Dhebar and S. P. Nayyar Advocates with him.

For Att. Genl. for India (vide Court's order dated the 13th June, 1967).—Mr. C. K. Daphtary, A.G. for India Mr. N. S. Bindra, Sr. Advocate Mr. R. H. Dhebar, Adv., with them.

The Petition above-mentioned being called on for hearing before this Court on the 23rd day of October, 1967 UPON hearing Mr. R. V. S. Mani Counsel for the Petitioner, Counsel for the Respondents not being called upon to argue THIS COURT took time to consider its Judgment and the Petition being called on for judgment on the 7th day of November, 1967 THIS COURT DOTH ORDER (1) THAT the Petition above-mentioned be and the same is hereby dismissed (2) THAT there shall be no order as to costs of this Petition AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

Witness the Hon'ble Mr. Kailas Nath Wanchoo Chief Justice of India at the Supreme Court, New Delhi this the 7th day of November, 1967.

Dy. Registrar.

[No. F. 23(40)/67-Elec.]

A. S. LOKANATHAN, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 1st January 1968

S.O. 118.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrator of the Union territory of Dadra and Nagar Haveli shall, subject to the control of the President and until further orders, exercise the powers of the Collecting Government under clause (d) of section 2 (namely, to empower any person to exercise all or any of the powers of an Excise Officer), and under section 4 (namely, to grant, in the circumstances stated therein, rebate of duty), of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), within that Union territory.

[No. F. 10/1/67-UTL.]

V. S. BENDRE, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 30th December 1967

S.O. 119.—In pursuance of clause (3) of article 77 of the Constitution of India and of all other powers enabling him in this behalf, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1958, namely:—

1. These rules may be called the Delegation of Financial Powers (Third Amendment) Rules, 1967.

2. In the Delegation of Financial Powers Rules, 1958,—

(a) in Schedule I, under the heading "AB. Cabinet Secretariat", after item 2 and the entry relating thereto, the following item and entry shall be inserted and be deemed to have been inserted with effect from the 4th day of November, 1967, namely:—

"3. Director, Computer Centre, New Delhi."

(b) in the Annexure to Schedule V, in column 4 against item 11 for para (a), the following para shall be substituted, namely:—

"(a) in cases involving a total amount of Rs. 500/- for a case in the High Courts of Bombay, Calcutta, Delhi and Madras, Rs. 400/- for a case in any other High Court and Rs. 100/- for a case in any court other than High Court."

[No. F. 1(30)-E-II(A)/67.]

K. N. SINGH, Dy. Secy.

(Department of Economic Affairs)*New Delhi, the 18th December 1967*

S.O. 120.—In exercise of the powers conferred by section 16 of the Indian Coinage Act, 1906 (3 of 1906) the Central Government hereby cancels the notification of the Government of India in the late Finance Department No. D-1995-F., dated 27th March, 1931.

[No. 12/22/65-Coin.]

M. K. VENKATARAMAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 5th January 1968

S.O. 121.—Statement of the Affairs of the Reserve Bank of India as on the 29th December, 1967

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	9,82,90,000
		Rupce Coin	5,06,000
Reserve Fund	80,00,00,000	Small Coin	3,93,000
National Agricultural Credit (Long Term Operations) Fund	131,00,00,000	Bills Purchased and Discounted —	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	284,87,73,000
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	Balances Held Abroad*	93,71,11,000
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	Investments**	164,68,86,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments@	77,37,56,000
Deposits—		Loans and Advances to :—	
(a) Government—		(i) Scheduled Commercial Banks†	7,59,87,000
		(ii) State Co-operative Banks††	209,42,91,000
(i) Central Government	54,41,44,000	(iii) Others	2,55,55,000

LIABILITIES	Rs.	ASSETS	
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(ii) State Governments	5,56,91,000	(a) Loans and Advances to :—	
		(i) State Governments	28,01,29,000
		(ii) State Co-operative Banks	13,48,09,000
		(iii) Central Land Mortgage Banks	..
(iv) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	7,79,36,000
(i) Scheduled Commercial Banks	167,69,83,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	5,80,36,000	Loans and Advances to State Co-operative Banks .	
(iii) Non-Scheduled State Co-operative Banks	1,12,90,000		8,09,94,000
(iv) Other Banks	12,51,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	356,93,92,000	(a) Loans and Advances to the Development Bank	5,88,07,000
Bills Payable	33,39,48,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	67,40,89,000	Other Assets	50,06,01,000
Rupees	963,48,24,000	Rupees	963,48,24,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 1,64,37,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 4th day of January, 1968

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 29th day of December 1967

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	9,82,90,000		Gold Coin and Bullion :—		
Notes in Circulation	3051,15 87,000		(a) Held in India	115,89,25,000	
Total Notes issued		3060,98,77,000	(b) Held outside India	..	
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		78,43,12,000
			Government of India Rupee Securities		2700,24,40,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		3060,98,77,000	TOTAL ASSETS		3060,98,77,000

Dated the 4th day of January, 1968

L. K. JHA,
Governor.

[N. F. 3(3)-BC/67.]

V. SWAMINATHAN, Under Secy.

CORRIGENDUM

1. (i) In the Statement of the Affairs of the Reserve Bank of India as on 17th November 1967—Banking Department published in the Gazette of India dated 9th December 1967 at Part II—Section 3(ii) on pages 4476-4477, the figures under "Assets" against items (i) "Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—(a) Loans and advances to (i) State Governments; and

(ii) "Loans and Advances from National Agricultural Credit—(Stabilisation) Fund—Loans and Advances to State Co-operative Banks", should read as 28,20,36,000 and 8,38,53,000 instead of 28,20,36,00 and 8,38,53,00 respectively.

2. In the Statement of the Affairs of the Reserve Bank of India as on 24th November 1967—Banking Department, published in the Gazette of India dated 9th December 1967 at Part II—Section 3(ii), on pages 4479-4480, the figures under "Assets" against the item "Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund. (a) Loans and Advances to—(ii) State Co-operative Banks", should read as 13,72,04,000 instead of 13,72,04,00.

(Department of Revenue & Insurance)

ESTATE DUTY

New Delhi, the 20th December 1967

S.O. 122.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri G. B. Seth, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Calcutta and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-E.D. dated the 22nd May, 1964, namely:—

In the Schedule to the said notification, for the entry,

"2. Shri T. K. Sourirajan, Assistant Commissioner of Income-tax, Calcutta" the following entry shall be substituted namely:—

"2. Shri G. B. Seth, Assistant Commissioner of Income-tax, Calcutta."

2. This notification shall be deemed to have come into force on the afternoon of the 2nd day of September, 1967.

[No. 23/F. No. 1/9/67-E.D.]

E. K. LYALL, Dy. Secy

(Department of Revenue & Insurance)

STAMPS

New Delhi, the 6th January 1968

S.O. 123.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the bonds to the value of fifty lakhs of rupees to be issued by the Haryana Financial Corporation, are chargeable under the said Act.

[No. 16/67-F. No. 1/82/67-Cus. VII/Stamps.]

M. S. SUBRAMANYAM, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

ESTATE DUTY

New Delhi, the 20th December 1967

S.O. 124.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 21/F. No. 1/9/67-E.D. dated the 19th September, 1967 published as S.O. 3533 in Part II, Section 3(ii) of the Gazette of India dated the 7th October, 1967, the Central Board of Direct Taxes hereby directs that Shri G. B. Seth, an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue & Insurance) No. 23/F. No. 1/9/67-E.D. dated the 20th December, 1967, shall perform the functions of an Appellate Controller of Estate Duty in respect of:—

- (a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, and
- (b) the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty,

where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed such orders:—

- (i) in any area comprised within the jurisdiction of the Commissioners of Income-tax mentioned below:—

Commissioner of Income-tax, West Bengal-I.

Commissioner of Income-tax, West Bengal-II,
 Commissioner of Income-tax, West Bengal-III,
 Commissioner of Income-tax, Assam, Nagaland, Tripura and Manipur,
 And

Commissioner of Income-tax, Bihar & Orissa;

(ii) in respect of any of the estates of the deceased persons who were being assessed to income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Calcutta.

This notification shall be deemed to have come into force on the afternoon of the 2nd day of September, 1967.

[No. 24/F. No. 1/9/67-E.D.]

E. K. LYALL, Secy.

INCOME-TAX

New Delhi, the 29th December 1967

S.O. 125.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 98 (F. No. 50/167/67-ITJ) dated the 11th September, 1967 namely:—

In the said Schedule against J-Range, New Delhi under column 2 the following shall be substituted:—

J-Range, New Delhi.

1. Central Circles II, III, IV, IX & X, Delhi.

This notification shall take effect from 1st January, 1968.

Explanatory Note

The amendment has become necessary on account of the creation of a new Central Circle X in the Commissioner's charge.

(The above note does not form part of the notification, but is intended to be merely clarificatory).

[No 165/F No. 50/167/67-ITJ.]

New Delhi, the 30th December 1967

S.O. 126.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in Column 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards or Districts specified in the corresponding entry in Column 2 thereof.

SCHEDULE

Range	Income-tax Circles, Wards or Districts
1	2
A' Range, Madras	1. Madras City Circle I 2. Madras City Circle V 3. Madras City Circle VI.- 4. Foreign Section, Madras. 5. Estate Duty-cum-Income-tax Circle, Madras. 6. Companies Circle I (all Sections), Madras. 7. Companies Circle II (all Sections), Madras. 8. Hundi Circle I, Madras. 9. Hundi Circle II, Madras.

I

2

'B' Range, Madras	<ol style="list-style-type: none"> 1. Salaries Circle, Madras. 2. Salaries Circle I, Madras. 3. Salaries Circle II, Madras. 4. Special Survey Circle (all Sections), Madras. 5. Special Investigation Circle 'A', Madras. 6. Special Investigation Circle 'B', Madras. 7. Tax Recovery Circle, Madras. 8. Central Circles I to X, Madras.
'C' Range, Madras	<ol style="list-style-type: none"> 1. City Circle II (all Sections), Madras. 2. City Circle III, Madras. 3. City Circle IV, Madras. 4. City Circle VII (all Sections), Madras. 5. Kancheepuram Circle.
Salem Range	<ol style="list-style-type: none"> 1. Salem Circle. 2. Circle I, Salem. 3. Circle II, Salem. 4. Vellore Circle. 5. Ootacamund Circle (all Sections). 6. Erode Circle (all Sections).
Coimbatore Range	<ol style="list-style-type: none"> 1. Coimbatore Circle. 2. Special Survey Circle, Coimbatore. 3. Special Investigation Circle, Coimbatore. 4. Coimbatore Circle I. 5. Coimbatore Circle II. 6. City Circle I (all Sections), Coimbatore. 7. City Circle II (all Sections), Coimbatore. 8. Central Circles I & II, Coimbatore. 9. All Company Circles, Coimbatore. 10. Salary Circle, Coimbatore. 11. Estate Duty-cum-Income-tax Circle, Coimbatore. 12. Pollachi Circle (all Sections). 13. Tiruppur Circle. 14. Excess Profit Tax Circle, Coimbatore and Erode.
Tiruchirapalli Range	<ol style="list-style-type: none"> 1. Tiruchirapalli Circle. 2. City Circle I (all Sections), Tiruchirapalli. 3. Company Circle, Tiruchirapalli. 4. Dindigul Circle (all Sections). 5. Thanjavur Circle (all Sections). 6. Estate Duty-cum-Income-tax Circle, Thanjavur. 7. Nagapattinam Circle (all Sections). 8. Cuddalore Circle (all Sections). 9. Pondicherry Circle (all Sections).
Madurai Range	<ol style="list-style-type: none"> 1. Madurai Circle. 2. Company Circle, Madurai. 3. Special Survey Circle, Madurai. 4. Estate Duty-cum-Income-tax Circle, Madurai. 5. Karaikudi Circle (all Sections). 6. Pudukottai Circle (all Sections). 7. Virudhunagar Circle. 8. Tuticorin Circle. 9. Tirunelveli Circle. 10. Nagercoil Circle.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the AAC of the Range from whom that income Circle Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from the 1st January, 1908.

Explanatory Note

The amendments have become necessary on account of formation of a new Appellate Assistant Commissioner's Range and consequential re-organisation of the circles.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 166 F. No. 50/138/67-ITJ.]

P. G. GANDHI, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 1st January 1968

S.O. 127.—The Expert Committee set up by Resolution No. 8(38)/Lic. Pol./67, dated 22nd July, 1967, to enquire into the working of the Industrial Licensing System will be designated and known as the "Industrial Licensing Policy Inquiry Committee".

[No. 8(38)/Lic. Pol./67.]

R. C. SETHI, Under Secy

(Indian Standards Institution)

New Delhi, the 26th December, 1967

S.O. 128.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that the licences No. CM/L-1345 and CM/L-1363, particulars of which are given below, have been cancelled with effect from 1 December 1967 :

Licence No. and Date	Name and Address of the Licensee	Article/Process Covered by the licence cancelled	Relevant Indian Standard
CM/L-1345 14-10-1966	M/s. Waldies Zinc Pigments Ltd., G.T. Road, Konnagar, Distt. Hooghly having their office at Gillanders House, Netaji Subhas Road, Calcutta-1.	Zinc oxide for paints	IS:35-1950 Specification for zinc oxide for paints.
CM/L-1363 30-11-1966	The Bangalore White Lead Syndicate Ltd., G.T. Road, Konnagar, Distt. Hooghly (West Bengal) having their office at Gillanders House, Netaji Subhas Road, Calcutta-1.	Basic carbonate of lead (white lead) for paints.	IS:34-1950 Specification for basic carbonate of lead (white lead) for paints.

[No. MD/55:1350.]

(DR.) SADGOPAL,
Deputy Director General.

MINISTRY OF COMMERCE

New Delhi, the 29th December 1967

S.O. 129.—The Government of West Bengal having nominated Shri Deben Sarkar of P.O. Jalpaiguri, Distt. Jalpaiguri, to be a member of the Central Silk

Board under clause (f) of sub-section (3) of section 4 of the Central Silk Board Act, 1948, (61 of 1948), in place of Shri Sumi Das of 60A, Raja Subodh Mallick Road, Calcutta, the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Commerce No. 1272 dated the 10th April, 1967, namely:—

In the said Notification, for the entry against Serial Number 12, the following entry shall be substituted, namely:—

"12. Shri Deben Sarkar, P O Jalpaiguri, Distt. Jalpaiguri",

[No. F 22/1/67-Text(G).]

K. SRINIVASAN, Dy Secy.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 29th May 1967

S.O. 130.—Whereas M/s. Siemen & Paul Industries, Ghorbander Road, Goregaon West, Bombay-62 or any bank or any other person have not come forward furnishing sufficient cause against Notice No. CCI/I(C)/17/65/1315 dated 3rd May 1967 proposing to cancel licence No P/CG/2041091/C/XX dated 31st March 1964 for import of machinery accessories and tools etc. for the manufacture of belt conveyors for ore crushing calcifying plant granted to the said firm of M/s. Siemen & Paul Industries Bombay by the Chief Controller of Imports and Exports, New Delhi, Government of India in the Ministry of Commerce, in exercise of the powers conferred by cl. 9 of the Imports (Control) Order, 1955 hereby cancel the said licence No. P/CG/2041091/C/XX dated 31st March 1964 for import of machinery, accessories, tools etc. for the manufacture of belt conveyors for ore crushing calcifying plant granted by the Chief Controller of Imports and Exports to M/s. Siemen & Paul Industries, Bombay

M/s. Siemen & Paul Industries,
Ghorbander Road, Goregaon West,
Bombay-62.

[No. CCI/I(C)/17/65.]

T. M. B. NEDUNGADI,

Jt. Chief Controller of Imports & Exports.
For Chief Controller of Imports & Exports.

(Office of the Jt Chief Controller of Imports & Exports)

ORDER

Calcutta, the 9th October 1967

S.O. 131.—A licence No. P/SS/1574823/C dated 10th April 1967 for the value of Rs. 15000/- for import of Aromatic Chemicals, Chemical Nos. Natural Essential Oil and Coral Reeds was issued to M/s. Prima Pharmacists Co., 77A, Balaram Dey Street, Calcutta-6.

Thereafter, a show cause notice No 167/64/E&L dated 11 September 1967 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the licensee did not produce the records showing the utilisation of goods imported against the previous licences to the Drug Controller, Calcutta inspite of repeated requests made by them in terms of clause 9 (cc) of the Imports Trade Control Order.

The aforesaid show cause notice has been returned from the Postal Authorities with the remarks "Not known".

Having regard to what has been stated above the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1574823/C dt. 10th April, 1967 for Rs. 15000/- issued in favour of M/s. Prima Pharmacists Co., 77A, Balaram Dey Street, Calcutta-6.

[No. 167/64/E&L.]

J. MUKHERJI,

Dy. Chief Controller of Imports & Exports.
for Jt. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports & Exports)

ORDERS

New Delhi the 28th December 1967

S.O. 132.—M/s. Hindustan Lever Limited, 165/166 Backbay Reclamation, Bombay-1 were granted an import licence No. P/NA/AU/1253448/C/XX/23/C/H/21-22 dated 24th December 1966 for Rs. 51,10,866/- (Rupees fifty one lakhs ten thousand eight hundred and sixty six only) for the import of Palm Oil and lallow. They have now applied to this office for the issue of duplicate Customs as well as Exchange Control Purposes copies of the said licence on the grounds that both the original copies of the licence have been misplaced or lost. It is further stated that the original Customs Purposes copy of the licence was registered with the Customs House, Bombay and the same was utilised to the extent of Rs 51,02,503/-. The duplicate Customs purposes copy now required by the firm is to cover the balance of Rs 8,363/-. The original Exchange Control copy of the licence was registered with the State Bank of India, Bombay and there was a balance of Rs. 19,00,987/- in it. Against this Letters of Credit for Rs 18,82,201/- have been opened, remittance has been made and the goods cleared. The balance unutilised portion is for Rs. 18,766/- only. The duplicate Exchange Control copy now required by the firm is for Rs. 19,00,987/- out of which Rs 18,82,201/- is required for the bank to make necessary endorsement on the licence for which remittance has already been made by them.

2. In support of this contention the applicant has filed an affidavit and certificates from the Customs, Bombay and the State Bank of India, Bombay. I am accordingly satisfied that the original Customs as well as E.C. Purposes copies of the said licence have been lost. Therefore, in exercise of the powers conferred under sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7th December 1955 (as amended) the original Customs as well as E.C. Purposes copies of the licence No. P/NA/AU/1253448/C/XX/23/C/H/21-22 dated 24th December 1966 issued to M/s. Hindustan Lever Ltd 165/166 Backbay Reclamation, Bombay-1 are hereby cancelled.

3. Duplicates of both the copies of the said licence are being issued separately to the licensee

M/s. Hindustan Lever Limited,
165/166, Backbay Reclamation,
Bombay-1 BR.

[No NDRS/H-205/65 66/3858.1

S.O. 133—M/s Emkay Engineering Company, Beaumon Chambers, Meadows St. Fort, Bombay-1 were granted an import licence No P/NA/AD/2018997/C/XX/25/C/H/21-22/NQQ dated 22nd April 1967. for Rs. 8963 for the import of items Nos. 1 to 16 of the 'All Category Items' of the list attached thereto. They have now approached this office with the request for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy of the licence has been lost. It is further stated that the original Customs Purposes copy of the licence was registered with the Custom House, Bombay and the licence was utilised to the extent of Rs. 1,569. The duplicate Customs Purposes copy now required by the firm is to cover the balance of Rs. 7394.

2. In support of this contention the licensee has filed an affidavit. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore, in exercise of the powers conferred under sub-clause 9(CC) of the Imports (Control) Order, 1955 dated 7th December 1955 (as amended) the Original Customs Purposes copy of the licence No. P/NA/AD/2018997/C/XX/25/C/H/21-22/NQQ dated 22nd April, 1967 issued to M/s. Emkay Engineering Company, Beaumon Chambers Street, Fort, Bombay-1, is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued to the licensee separately.

M/s. Emkay Engineering Co.,
Beaumon Chambers,
Meadows Street, Fort,
Bombay-1.

[No. NDRS/E-403/65-66/3863.]

Y. J. DENNISON,

Dy. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports & Exports)**ORDER***New Delhi, the 30th December 1967*

S.O. 134.—M/s. Hoechst Dyes & Chemicals Ltd., Parekh Mahal, Vir Nariman Road, Churchgate, Bombay, were granted an import licence No. P/RM/2131904 dated the 23rd November, 1963. They have applied for issue of a duplicate copy of the licence for Exchange Control copy only on the ground that the original has been misplaced. It is further stated that the licence was registered with Bombay Customs House, and was utilised partly. In support of this contention M/s. Hoechst Dyes & Chemicals Ltd., Bombay, have produced an affidavit. The undersigned is satisfied that the original Exchange Control Copy of the licence No. P/RM/2131904 has been lost/misplaced and directs that licence (for Exchange Control copy only) should be issued to M/s. Hoechst Dyes & Chemicals Ltd., Bombay.

The original Exchange Control Copy of the licence is hereby cancelled.

To
M/s. Hoechst Dyes & Chemicals Ltd.,
Parekh Mahal, Vir Nariman Road,
Churchgate, Bombay.

[No. pt. F. No. Paint 63(1)/AM64/L-II(C)/RM-VI/1548.]

P. C. VERMA,

Dy. Chief Controller of Imports & Exports.

MINISTRY OF HEALTH AND FAMILY PLANNING**(Department of Health)***New Delhi, the 5th January 1968*

S.O. 135.—Whereas the State Government of Gujarat has, in pursuance of clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948), nominated Dr. A. M. Malaowalla, Dean, Government Dental College and Hospital, Ahmedabad, to be a member of the Dental Council of India with effect from the 17th October, 1967;

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby directs that Dr. A. M. Malaowalla, who is a member of the Dental Council of India constituted under the notification of the Government of India in the late Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962, and whose name appears against serial No. 14 under the heading "Nominated under clause (e) of section 3" shall continue to be a member of the Dental Council of India for a further period of five years with effect from the 17th October, 1967 or until his successor shall have been duly nominated, whichever is longer.

[No. F. 3-3/67-MPT.]

S.O. 136.—Whereas the State Government of Assam has, in pursuance of clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948), nominated Dr. T. Bhaskara Menon, Director of Health Services and Director of Health Planning and Education, Assam, to be a member of the Dental Council of India with effect from the 30th September, 1967 vice Dr. A. B. Roy who has ceased to be a member under sub-section (3) of section 6 of the said Act;

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the

Government of India in the late Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notifications, under the heading "Nominated under clause (e) of section 3", against serial No. 2 for the existing entry, the following entry shall be substituted, namely:—

"Dr. T. Bhaskara Menon, Director of Health Services and Director of Health Planning and Education, Assam"

[No F. 3-3/67-MPT]

L. K. MURTHY, Under Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Agriculture)

New Delhi, the 4th January 1968

S.O. 137.—Whereas the Hyderabad Municipal Corporation has, in pursuance of Clause (e) of sub-section (1) of section 5 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) nominated Shri N. Laxminarayan, Municipal Councillor as its representative on the Animal Welfare Board *vice* Shri Biddu Veeraswamy.

(2) As whereas the Central Government has, in pursuance of Sub-Section (1) of section 4 read with clause (d) of sub-section (1) of Section 5 of the said Act nominated Dr. Y. K. Subrahmanyam, Deputy Director General (Small Pox) as representative of the Ministry of Health, Family Planning and Urban Development (Department of Health) on the Animal Welfare Board *vice* Dr. A. S. Sen since retired.

(3) Now, therefore in pursuance of sub-section (i) of section 4 read with section 5 of the said Act, the Central Government hereby makes with effect from the date of issue of this notification the following further amendment to the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 921 dated the 20th March, 1962 namely:—

In the said notification, in item No. 9 for the entry in the first column, the following entry shall be substituted:—

(a) "Shri N. Laxminarayan, Municipal Councillor, H. No. 14-11-822, Beerbhan Bagh, Hyderabad-12."

(b) In item 4, for the entry in the first column the following entry shall be substituted:—

"Dr. Y. K. Subrahmanyam, Dy Director General (Small Pox) DGH&S, New Delhi".

[No. 18-6/67-I.D.III.]

SANTOKH SINGH, Under Secy.

(Department of Agriculture)

New Delhi the 11th January 1968

S.O.138.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of Sub-rule 2) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services and (Classification, Control and Appeal) Rules 1965 the President hereby makes the following amendments in the notification of the Government of India in the late Ministry of Agriculture, No. S.R.O. 634-A, dated the 28th February, 1957, namely:—

In the Schedule to the said Notification, (i) under the heading, "Part I—General Central Service, Class III", after the existing entries, the following entries shall be added, namely:—

1	2	3	4	5
Regional Office, Coconut Development, Ernakulam. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation. (Department of Agriculture)
Regional Office, Cashewnut Development, Kozhikode. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation. (Department of Agriculture)
Regional Office, Aracanut and Spices Development, Kozhikode. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation, (Department of Agriculture).
Regional Office, Lac Development, Ranchi. All Posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agri., Community Development, and Cooperation. (Department of Agriculture)
Regional Office, Oilseeds Development, Madras. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation. (Department of Agriculture)
Regional Office, Oilseeds Development, Hyderabad. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation. (Department of Agriculture).
Regional Office, Jute Development, Calcutta. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation, (Department of Agriculture).
Regional Office, Cotton Development, Bombay. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation. (Department of Agriculture).
Regional Office, Sugarcane Development, New Delhi. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation. (Department of Agriculture).

(ii) under the heading "Part II—General Civil Service Class IV" after the existing entries, the following entries shall be added, namely :—

1	2	3	4	5
Regional Office, Coconut Development, Ernakulam. All Posts,	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).
Regional Office, Cashewnut Development, Kozhikode. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).
Regional Office, Arecanut and Spices Development, Kozhikode. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).
Regional Office, Lac Development, Ranchi. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).
Regional Office, Tobacco Development, Madras. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).
Regional Office, Oilseeds Development, Hyderabad. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).
Regional Office, Jute Development, Calcutta. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).
Regional Office, Cotton Development, Bombay. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).
Regional Office, Sugarcane Development, New Delhi. All posts.	Director	Director	All	Deputy Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture).

[No. 1 (27)/66-C.C.I.]

I. P. MATHUR, Dy. Secy.

खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय

(कृषि विभाग)

नई दिल्ली, 11 जनवरी 1968

एम० ओ० 139—नियम 9 के उप-नियम (2), नियम (2), के धारा (क) के उप-नियम 2 और नियम 24 के उप-नियम (1) जो कि केन्द्रीय अर्सेनिक सेवाओं (वर्गीकरण नियंत्रण तथा अपील) नियम 1965 नियम 34 के साथ पढ़े, के अन्तर्गत जो अधिकार दिये गये हैं, राष्ट्रपति जी पूर्व-कृषि मंत्रालय में भारत सरकार की अधिसूचना संख्या एम० आर० ओ० 34-ए, नारीच 28 फरवरी, 1957 में निम्नलिखित सुधार करते हैं, जैसे—

उपरोक्त अधिसूचना के अनुसूची में,

(1) शीर्षक “भाग 1—सामान्य केन्द्रीय सेवा तृतीय श्रेणी” जो कुछ लिखा है उसके आगे निम्नलिखित जोड़ दिया जाय, जैसे—

1	2	3	4	5
क्षेत्रीय कार्यालय नारियल निदेशक विकास एनफिलम। समस्त पद	निदेशक	समस्त		उपसचिव, खाद्य, कृषि, सामुदायिक विकास तथा सह-कारिता मंत्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय, काजू विकास, कोजीकोड़। समस्त पद	निदेशक	समस्त		उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सह-कारिता मंत्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय सुपारी तथा मसाला विकास, कोजीकोड़। समस्त पद	निदेशक	समस्त		उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय लाख विकास, रांची। समस्त पद	निदेशक	समस्त		उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय तम्बाकू विकास, मद्रास। समस्त पद	निदेशक	समस्त		उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय (कृषि विभाग)

1	2	3	4	5
क्षेत्रीय कार्यालय तिरुहूत विकास, हैदराबाद। समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय, पटसन विकास, कलकत्ता। समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय कपास विकास, बम्बई। समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय गन्ना विकास, नई देहली। समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)

शीर्षक "भाग 1—समस्त असेनिक सेवा—चतुर्थ श्रेणी" के अन्तर्गत जो कुछ लिखा है, उसके बाद निम्नलिखित जोड़ दिया जाय, जैसे :—

1	2	3	4	5
क्षेत्रीय कार्यालय, नारि- यल विकास, एनकुलमा समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय, काजू विकास, कोजीकोड़। समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)

1	2	3	4	5
क्षेत्रीय कार्यालय, सुपारी तथा मसाला विकास कोजीकोड । समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय, लाख विकास रांची । समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय, तम्बाकू विकास, मद्रास । समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय, गिलहून, विकास, हैदराबाद । समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय, पटसन विकास, कलकत्ता । समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय कपाम विकास, बम्बई । समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)
क्षेत्रीय कार्यालय, गन्ना विकास, नई दिल्ली । समस्त पद	निदेशक	निदेशक	समस्त	उप सचिव, खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग)

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 29th December 1967

S.O. 140—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts & Telegraphs, hereby specifies the 1st February, 1968 as the date on which the Measured Rate System will be introduced in KATIHAR Telephone Exchange.

[No. 5/60/67-PHB.]

New Delhi, the 1st January 1968

S.O. 141—In pursuance of para (a) of section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts & Telegraphs, hereby specifies the 1st February, 1968 as the date on which the Measured Rate System will be introduced in BELAPUR (Shriram Pur) Telephone Exchange.

[No. 5/65/67-PHB.]

D. R. BAHL,

Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 29 दिसम्बर 1967

एस० ओ० 142.—स्वायं आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कटियार टेलीफोन केन्द्र में 1 फरवरी 1968 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-60/67-पी० एच० बी०]

नई दिल्ली, 1 जनवरी 1968

एस० ओ० 143.—स्वायं आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बेलपुर (श्रीरामपुर) टेलीफोन केन्द्र में 1 फरवरी, 1968 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-65/67-पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०)

MINISTRY OF EDUCATION

New Delhi, the 30th December 1967

S.O. 144.—In exercise of the powers conferred by sub-section (1) read with clause (i) of sub-section (2) of section 8 of the Hindi Sahitya Sammelan Act,

1962 (13 of 1962), the Central Government hereby appoints the Joint Secretary/Joint Educational Adviser, Ministry of Education in place of the Joint Educational Adviser, Ministry of Education as a member of the first Governing Body of the Sammelan and makes the following further amendment in the notification of the Government of India in the Ministry of Education No. S.R.O. 1758 dated the 2nd June, 1962, namely:—

In the said notification, under the heading 'Members', under the sub-heading '(a) Representative of the Ministry of Education', for the existing entry, the following entry shall be substituted, namely:—

"(i) Joint Secretary/Joint Educational Adviser to the Government of India, Ministry of Education in-charge of Hindi work in the Ministry".

[No. F. 30-15/66-H 1.]

N. S. BHATNAGAR, Under Secy.

शिक्षा मंत्रालय

नई दिल्ली, 30 दिसम्बर 1967

एस० नो० 145.—हिन्दी साहित्य सम्मेलन अधिनियम 1962 (1962 का 13वां) की धारा 8 की उप धारा (2) के खण्ड (I) के साथ पढ़ी जाने वाली उप धारा (1) द्वारा प्रवृत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार संयुक्त शिक्षा सलाहकार, शिक्षा मंत्रालय के स्थान पर संयुक्त सचिव/संयुक्त शिक्षा सलाहकार को सम्मेलन के प्रथम शासी निकाय के सदस्य के रूप में नियुक्त करती है और शिक्षा मंत्रालय, भारत सरकार की अधिसूचना संख्या एस० नं० 1758, दिनांक 2 जून, 1962 में निम्नलिखित और आगे संशोधन करती है, अर्थात्:—

उपयुक्त अधिसूचना में "सदस्य" शीर्षक के अन्तर्गत उपशीर्षक (क) "शिक्षा मंत्रालय का प्रतिनिधि" के अन्तर्गत विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि लिख दी जाए, अर्थात्:—

(1) मंत्रालय में हिन्दी कार्य के कार्यभारी संयुक्त सचिव, संयुक्त शिक्षा सलाहकार, भारत सरकार।

[सं० एफ० 30-15/66-एच० I]

निराकर स्वरूप भटनगर, अवर सचिव।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 30th December 1967

S.O. 146.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office, Jealgora, District Dhanbad (Bihar) and their workmen, which was received by the Central Government on the 27th December, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

CAMP AT DHANBAD

Dated December 18, 1967

PRESENT:

Sri G. C. Agarwala.—Presiding Officer.

CASE REF. NO. 57 OF 1964 (DHANBAD TRIBUNAL)

CASE REF. NO. CGIT/LC(R) (9)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to Sijua Colliery of M/s. Tata Iron and Steel Company Limited, Jamadoba, P.O. Jealgora, District Dhanbad (Bihar).

Versus

Their workmen through the Congress Mazdoor Sangh, Bihar, Camp Jorapokhar No. 1, P.O. Jealgora, Distt., Dhanbad.

APPEARANCES:

For employers.—Sri S. N. Singh, Asstt. Chief Personnel and Welfare Officer.

For workmen.—Sri B. N. Sharma, President of the Union.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/43/64-LRII dated 15th May, 1964, the Ministry of Labour and Emp'oyment, Government of India, referred the following matter of dispute to the Central Government Industrial Tribunal, Dhanbad, for adjudication. The case remained pending before the said Tribunal till transferred to this Tribunal by Notification No. 8/25/67-LRII dated 25th April, 1967.

Matter of Dispute

Whether the management of the Sijua Colliery of Messrs Tata Iron and Steel Company Limited was justified in dismissing Shri Inderdeo Bhar, Miner (T. No. 51653) with effect from the 30th January, 1964, if not, to what relief is the workman entitled?

2. Both parties filed statements of claim before the Dhanbad Tribunal. They were allowed to file rejoinders. The employers filed a rejoinder dated 16th June, 1967, but none was filed on behalf of the workmen. The Union, however, wanted time to file a certified copy of Criminal Court Judgment which was allowed and for seeking frequent adjournments the Union was also taxed with costs. Ultimately, 16th December, 1967, was fixed for hearing. On behalf of the Union, Sri B. N. Sharma, appeared and stated that although the workman concerned had been informed he had not been appearing and he would, therefore, not contest the case. Costs of adjournment of the last date were also not paid. That being so, *ex parte* evidence was recorded for the employers.

3. The workman concerned, Sri Inderdeo Bhar, was a Miner. The charge-sheet against him was that on 20th December, 1963, he disobeyed the orders of the Mining Sirdar and the Overman and therefore committed misconduct under Clause 19(1), 19(5) and 19 (19) of the Standing Orders. The workman concerned replied to the charge-sheet and domestic enquiry was held by Sri Jawahar Lal (E.W. 1), Senior Personnel Officer. It appears that two Miners S/Sri Inderdeo Bhar and Barsati were charge-sheeted separately for the same incident and since witnesses were common a joint enquiry was held. The record of enquiry proceedings (Ex. E/10) would show that the enquiry was fairly conducted and a number of witnesses for the management, namely S/Sri Ram Pandey Overman, Jitu Singh Mining Sirdar, and Jalulluddin Mistry were examined by the management. They were all cross-examined. In the enquiry, Sri Barsati, the other Miner was present but this workman concerned did not attend the enquiry. The Enquiry Officer found the charge proved which is borne out by the record of the enquiry proceedings and the report. In the written statement filed by the Union, there was a vague allegation of victimization and *mala fides* but no attempt has been made to substantiate the same.

Decision:

It is, therefore, held that the management was justified in dismissing Sri Inderdeo Bhar with effect from 30th January, 1964, and the workman concerned is not entitled to any relief. No order for costs.

Sd./- G. C. AGARWALA,
Presiding Officer,
16-12-1967.

[No. 2/43/64-LRII.]

S.O. 147.—In pursuance of section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Dhanji Devji and Sons Tisra Colliery (Post Office Khas Jeenagora, District Dhanbad) and their workmen, which was received by the Central Government on the 27th December, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR
CAMP AT RANCHI.**

Dated December 18, 1967.

PRESENT:

Shri G. C. Agarwala.—*Presiding Officer.*

CASE REF. No. 138 OF 1964 (DHANBAD TRIBUNAL)

CASE REF. No. CGIT/LC(R) (106)/67 JABALPUR TRIBUNAL)

PARTIES.

Employers in relation to Dhanji Devji and Sons' Tisra Colliery (Post Office Khas Jeenagora, District Dhanbad).

Versus

Their workmen through the Secretary, Colliery Mazdoor Sangh, P.O. and District Dhanbad (Bihar).

APPEARANCES:

For employers.—Shri S. S. Kapoor, Advocate, Authorised Representative.

For workmen.—Sri Shankar Bose, Secretary Colliery Mazdoor Sangh and the workman concerned, Sri Deonarain Singh.

INDUSTRY: Coal Mine:

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/130/64-LR. II dated 22nd December, 1964, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute, as stated in the schedule to the order of reference, to the Central Government Industrial Tribunal, Dhanbad, for adjudication. The case remained pending before the said Tribunal till transferred to this Tribunal by Notification No. 8/25/27-LRU dated April 25, 1967.

Matter of Dispute

Whether the management of Dhanji Devji and Sons' Tisra Colliery were justified in not marking the attendance of Shri Deonarain Singh, Night Guard, with effect from the 26th March, 1964, and in not paying him wages from that date? If not, to what relief is the workman entitled?

2. The parties filed their statements of claim before the Dhanbad Tribunal before the case was transferred to this Tribunal. The employers in this case were the Managing Partner of M/s. Dhanji Devji and Sons' Tisra Colliery (Post Office Khas Jeenagora, District Dhanbad) who applied that the management has been transferred to M/s. Associated Coal Company and they should be made party. It was ordered on 28th July, 1967 that this was not necessary as no sale deed admittedly had been executed in favour of Associated Coal Company and under Section 18 I. D. Act all subsequent transferees would be bound by the award. Certain issues were framed and a date of hearing was fixed. On the adjourned date, the parties applied for time to file a compromise petition which was allowed and the next date of hearing was fixed at Dhanbad as 16th December, 1967. On this date, parties compromised the dispute and a compromise petition was filed, terms of which are reproduced in the annexure. Sri Deonarain Singh, the workman concerned, also appeared and admitted the terms of compromise by means of an affidavit which was duly verified before me. The dispute has been settled on the terms that the management shall pay Rs. 2,500 in full and final settlement of the claim. The dispute is thus satisfactorily resolved and an award is recorded in terms of compromise settlement.

(Sd.) G. C. AGARWALA,
Presiding Officer,
18-12-1967.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (DHANBAD CAMP).

REFERENCE No. CGIT/LC(R)106/67.

Employers in Relation to Dhanji Devji and Sons, Tisra Colliery, P.O. Khas Jeenagora, District Dhanbad.

AND

Their workmen as Represented by the Union Colliery Mazdoor Sangh, Dhanbad.

Joint Application by the Parties

It is respectfully submitted:—

1. That this Industrial Dispute is fixed for hearing to-day the 16th December, 1967.
2. That the workman affected in this dispute is Shri Devnarain Singh who is a member of the Union, Colliery Mazdoor Sangh, Dhanbad and is being represented by that Union.
3. That the parties have compromised and resolved this dispute amicably on the following terms:

Terms of Agreement:

- (i) That the Management agrees to pay a sum of Rs. 2,500 (Rupees two thousand five hundred) only in full and final settlement of his claims whatsoever.
- (ii) That the Management agrees to pay the said amount within one week from to-day.
- (iii) That since the management is not in a position to re-instate him, the Union agrees that the workman affected be not taken back in service and accepts the said amount of Rs. 2,500 (Rupees Two thousand five hundred) only, in full and final settlement of the workman's claims.
4. That the parties will bear their respective costs.
5. That an Award in terms of the Agreement be given.

It is, therefore, humbly prayed that Your Honour may kindly accept this agreement and give the Award in terms thereof.

AND

For this act of kindness, your petitioners, as in duty bound, shall ever pray.

For Workmen:

For Employers:

For Colliery Mazdoor Sangh.

For Dhanjee Devji & Sons
Tisra Colliery.

1. Sd./- SHANKAR BOSE,

Secretary.

1. Sd./- S. S. KAPUR,

Advocate.

2. Sd./- J. B. SINGH,

Branch Secretary.

2. Sd./- K. M. RATHOD,

Partner.

3. L.T.I. DEV NARAIN SINGH,
Workman Concerned.

PART OF AWARD.

[No. 2/130/64-LRII.]

Dhanbad, dated the 16th December, 1967.

New Delhi, the 3rd January 1968

S.O. 148.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Messrs Burrakur Coal Co. Ltd., Managing Agents, Messrs Bird & Co. Private Limited, Post Office Sijua, (Dhanbad) and their workmen, which was received by the Central Government on the 30th December, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AT DHANBAD

In the matter of reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 43 OF 1967

PARTIES:

Employers in relation to the Messrs Burrakur Coal Company Limited, Post Office, Sijua, Dist. Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Kamla Sahai—*Presiding Officer*.

APPEARANCES:

For the Employers—Shri J. L. Sinha, Group Personnel Officer.

For the Workmen—Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha

STATE: Bihar

INDUSTRY: Coal.

Nagpur, dated the 23rd December, 1967

AWARD

Being of opinion that an industrial dispute exists, the Central Government has, by its order No. 2/105/67-LRII dated the 23rd October, 1967 made this reference to this Tribunal at Dhanbad. The schedule containing the question for decision is as follows:—

“SCHEDULE

1. Whether the management of Messrs Burrakur Coal Company Limited, Managing Agents, Messrs Bird and Company Private Limited, Post Office: Sijua, (Dhanbad), were justified in effecting retrenchment of the following three car Drivers:—

1. Shri G. P. Sen,
2. Md. Akhtar Hussain,
3. Shri Kalloo Khan.

2. If not, to what relief are the workmen entitled?”

2. The facts leading to the reference may be shortly stated. By letters (Exts. M1, M2 and M3) dated the 27/2nd June, 1967, addressed to the three car drivers namely G. P. Sen, Md Akhtar Hussain and Shri Kalloo Khan respectively, the Chief Mining Engineer of the company informed them that, due to reduction in the number of the company's cars and reorganisation of work, a number of car drivers had become surplus to the requirement and hence it had become necessary to terminate their services. He further said that their services would stand terminated on and from 1st July 1967. At the same time, he offered them one month's wages in lieu of notice and retrenchment compensation in accordance with section 25F of the Industrial Disputes Act (hereinafter referred to as the Act) which they could collect on or before the 30th June, 1967. The Bihar Koyla Mazdoor Sabha sent a letter dated the 11th July, 1967 to the Assistant Labour Commissioner (C), Dhanbad, raising a dispute relating to the retrenchment. A conciliation proceeding started. It ended in failure.

3. The Bihar Koyla Mazdoor Sabha has been representing the car drivers in question in this case. Its General Secretary, Shri Lalit Burman, has filed a written statement on their behalf, on the 1st December, 1967. The case set up therein is that the car drivers in question have not been retrenched on account of reduction in the number of cars owned by the company or on account of reorganisation of work as alleged by the company but the fact is that all drivers agitated for payment of overtime wages and the Sabha raised a dispute in that connection by a representation dated the 3rd June, 1967. All the three drivers in question were actively engaged in the agitation for the demand of overtime wages and other facilities and, therefore, their retrenchment “smacks of a spirit victimisation” The number of drivers being maintained by the management has always been less than the number of cars owned by the company and hence there is no question

of three drivers becoming surplus because of the reduction in the number of cars. After the retrenchment, the existing drivers are having to do much extra work. The reorganisation of work as mentioned in the notice of retrenchment is not the "cause" but the "effect of the retrenchment". The management has 'sold' some of the company's cars to some officials of the company and those officials are being paid allowance for maintaining private drivers. The management has not observed the principle of "last come first go" in effecting the retrenchment.

4. The company has submitted a rejoinder on the 8th December 1967. It has asserted in that statement that the retrenchment is completely justified. It has denied that the retrenchment has been made with a view to victimisation or with mala fide intention. It has further denied that the demand of the drivers for overtime wages has led to this retrenchment. It has also denied that the principles of "last come first go" has been violated. It has alleged that the retrenchment has been effected because (i) the number of cars being greatly reduced, some drivers became surplus and (ii) they also become surplus because of reorganisation of work.

5. At the time of hearing, the management filed certain documents. Several of them have been marked exhibits on waiver of formal proof by Shri Lalit Burman who appeared on behalf of the workmen. One witness was examined on behalf of each party and the documents which were not marked exhibits with consent were proved by MW1, Shri N. Rajan and marked as exhibits.

6. Shri Lalit Burman stated that he had no point of law to urge except the point covered by Section 25G of the Act which embodies the principle of 'last come first go'. In view of this statement and other arguments advanced by the parties the following points may be formulated for decision:—

- (i) Has the management of the company been guilty of victimisation or unfair labour practice?
- (ii) Has any junior of the three car drivers in question been left in service while they have been retrenched.
- (iii) Is the retrenchment which has been effected justified in view of all the circumstances of the case?

Point No. 1

7. Admittedly the company paid overtime wages to the car drivers for working on Sundays but paid only *Khoraki* (ie. fooding allowance) for doing extra work on other days. Md. Akhtar Hussain, WW1 has given the scale. The drivers are paid Rs. 1-25 paise for missing one meal and Rs. 2-50 paise for missing both meals on a day when they are out of headquarters along with the officer with whom they are attached. If they go to Asansol, Calcutta, Patna, Ranchi or Hazaribagh, they get Rs. 1-75 paise for missing one meal. If they have to stay for more than twelve hours at any of those places, they get Rs. 4-37 paise.

8. It is also the admitted case of both parties that all the drivers made a demand for payment of overtime wages. Although it has been alleged in the workmen's written statement that the drivers in question were actively agitating for the demand of overtime wages and other facilities, no attempt has been made to prove that they actually did anything more in this connection than other drivers. In fact, Akhtar Hussain has not stated that he or any of the other two drivers in question did anything particular in assertion of the demand made by the drivers. He has also not given any other fact or ground which could lead the management of the company to victimise them or even to be harsh to them. As observed by the Supreme Court in *Orissa Cement Limited. Rajganpur Vs. Their workmen* and another in 1960 (11) L.L.J. p 91, at page 94, it is for the party alleging mala fide to support the allegation by reliable evidence. Even apart from the question of onus, I do not find any circumstance in this case from which I can infer victimisation or unfair labour practice at the hands of the management of the company against the three car drivers in question.

Point No. 2

9. Ext. M4 is a seniority list of the car drivers before the retrenchment. The correctness of this list has not been challenged by Shri Burman. Akhtar Hussain, WW1 has also said nothing in this connection. The list contains the names of twenty-eight drivers. The last driver on this list is Md. Idris. Shri N. Rajan, MW1 has stated that Idris was previously employed as a car driver on probation but, when the question of retrenchment arose, he submitted a letter wherein he

requested for being reverted to the position of a cleaner or khalasi in order that he might not be retrenched. He says that, according to the prayer of Idris, he was reverted as a khalasi. This list also contains a remark against the name of Idris that he has been reverted to the position of a khalasi. When cross-examined, Shri Rajan has admitted that, these days, he sometime employs Idris as a driver for one or two hours once or twice in a week although his permanent work is that of a khalasi or cleaner. On the other hand, Akhtar Hussain has said that Idris was working as a khalasi in Saltore colliery but was later brought to the Sijua office where he worked as a driver. After working as such for five or six months, Idris was not allowed to drive a car. After retrenchment of the three car drivers in question, according to him, Idris is almost permanently being used as a car driver. Akhtar Hussain is an extremely interested witness. His evidence affords ample support to the evidence of Sri Rajan to the effect that, at one time, after being employed as a driver, Idris ceased to remain in employment as such. The only point on which he differs from Sri Rajan is that he says that Idris is now being almost permanently used as a driver whereas Sri Rajan says that Idris is now employed only sometimes as a driver. I am of opinion that the evidence of Sri Rajan in this connection is reliable, and that that of Akhtar Hussain is an exaggeration, I, therefore, hold that Idris was not a car driver at the time of retrenchment nor has he yet been employed permanently as a car driver. He must, therefore, be ignored. Akhtar Hussain, Kalloo Khan and G. P. Sen remain then as the last three drivers in the seniority list. The principle contained in Section 25G of the Act cannot, therefore, be held to have been violated. In other words, the principle of 'last come first go' has been properly observed.

Point No. 3

10. According to Shri Rajan, MW1, the company had 44 cars and twenty-eight drivers in December, 1966; Ext. M5 is a list of the cars which were sold. The dates of their sales have also been mentioned in that list. Bhagwat Passi and Nandlal Kewat are two drivers mentioned in the seniority list (Ext. M4). Akhtar Hussain has stated that Bhagwat Passi is now employed as a workman in Loyabad Colliery Workshop and Nandlal Kewat has resigned from his service as a driver. These two statements have not been challenged and I accept them.

11. Shri Lalit Burman has argued that, if only three drivers had to be retrenched, these two namely Bhagwat Passi and Nandlal Kewat have gone out and so only one of the three drivers in question should have been retrenched. In my opinion, this argument is fallacious. No one has stated that the company needed the services of twenty-four or twenty-five drivers on the date of the retrenchment. Sri Rajan has stated that the company did not need as many drivers as it had cars. Indeed, he has said that, originally, the company had only twenty-eight drivers although the number of cars was forty-four because all the cars were not used simultaneously. The ratio between the number of drivers and number of cars was thus 7 to 11. According to Shri Rajan, the number of car owned by the company is now twenty-eight. If three drivers in question have gone by retrenchment, one namely Nandlal Kewat has gone by resignation and two namely Bhagwat Passi and Idris have gone by transfer to other posts, twenty-two drivers still remain. The ratio between the number of drivers and the number of car now is thus $5\frac{1}{2}$ to 7. This shows that the drivers are now in higher proportion than they were before. It is not surprising, therefore that, as stated by Shri Rajan, payment of overtime wages to drivers has decreased.

12. Shri Burman has taken it from Rajan that some of the cars which have been sold by the company have been purchased by its officers but he has volunteered that the company has always followed the practice that, when a car is for sale, preference is given to an officer of the company in the matter of purchase. It is, therefore, difficult to infer any mala fide intention from the fact that preference has been given by the company to its officer in purchasing its cars. Shri Rajan has also stated that the officer who has purchased any of those cars is given an allowance by the company if he uses the car after it has become his own on the company's business. I do not think that, as urged by Shri Burman, this can be made the basis of a finding that allowance is paid to the officers simply for the purpose of enabling the company to retrench the car drivers in question.

13. A question has been raised that the names of Mohiuddin and Lalchand Turi have not been included in the seniority list (Ext. M4). Shri Rajan has stated that Ambulance drivers get a special allowance of Rs. 25 and, ordinarily, drivers do not become Ambulance driver because they have sometimes to carry dead bodies or patients of infectious disease on a stretcher to an Ambulance. He says that, for this reason, the Ambulance drivers are treated to be in a category

different from that of car drivers. He has proved Ext. M6 which is the letter of appointment of Mohiuddin and Lalchand Turi as Ambulance drivers. Condition three of the appointment is that they are to assist in carrying a stretcher when occasion arises. I, therefore, accept his statement that these two ambulance drivers are not treated as car drivers but are treated as being in a different category.

14. On a consideration of all the facts and circumstances of the case, I feel that the management could certainly come to the conclusion that the three junior-most car drivers in question had become surplus and, for the sake of reorganisation of their work, they (the drivers) should be retrenched. In other words, I hold that the management of the company was justified in effecting retrenchment of Shri G. P. Sen, Md. Akhtar Hussain and Kalloo Khan. In view of this finding, the workmen concerned are not entitled to any relief. This is my award. Let it be submitted to the Central Government under section 15 of the Act.

(Sd.) KAMLA SAHAI,
Presiding Officer.
[No. 2/105/67-LRII.]

New Delhi, the 4th January 1968

S.O 149.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bhulanbararee Colliery, Post Office, Patherdih (Dhanbad) and their workmen, which was received by the Central Government on the 30th December, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AT DHANBAD**

In the matter of reference under section 10(1)(d) of the Industrial Disputes Act, 1947

LABOUR COURT AT DHANBAD

PARTIES:

Employers in relation to the Bhulanbararee Colliery, P.O. Patherdih, (Dhanbad).

AND

Their workmen.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers.—Shri D. Narsingh, Advocate.

For the Workmen.—Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Nagpur the 24th December, 1967

AWARD

Being of opinion that an industrial dispute exists, the Central Government has made this reference in exercise of its power under section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act). The schedule attached to the order of reference is as follows:—

"SCHEDULE

- (i) Whether the retrenchment of Shri P. K. Das, Store Keeper, by the management of Bhulanbararee Colliery of Messrs Bhulanbararee Colliery Company Limited, with effect from the 15th October, 1966 was justified?
- (ii) If not, to what relief is the workman entitled?"

2. The facts leading to the reference are as follows. By a letter (Ext: W 1) dated the 14th October, 1966 addressed to Shri P. K. Das, admittedly Head Store Keeper,

the Chief Mining Engineer of the company informed him that, due to the re-organisation and centralisation of stores at Bhulanbararee colliery, the post of store keeper had become redundant and his services would therefore stand terminated from the 15th October, 1966. It was further added in the letter that Sri P. K. Das would be paid one month's salary in lieu of notice and retrenchment compensation in accordance with the provisions of the Act "after" he had "satisfactorily handed over charge of the stores to the Agent and vacated the company's quarters allotted to" him. The Colliery Mazdoor Sangh (INTUC) raised a dispute by sending a letter dated the 13th December, 1966 to the Asstt Labour Commissioner (C), Dhanbad. The conciliation proceeding, however, failed.

3. The Colliery Mazdoor Sangh has filed a written statement on behalf of the concerned workman on the 30th November, 1967. Their case is that Shri P. K. Das was appointed as an Asstt. Store Keeper in Bhulanbararee Colliery Company in 1943, that he was later promoted to the rank of head store keeper, that he managed the stores department for about twenty-five years without blemish, that the volume of work in the store department of the company has increased considerably and that, in the circumstances, his retrenchment with effect from the 15th October, 1966 is unjustified and illegal and without jurisdiction and has been made with an ulterior and *mala fide* motive in order to harass him. The retrenchment is also due to unfair labour practice.

4. The company filed its written statement on the 7th December, 1967. The company's case in this statement, shortly stated, is that the management reorganised the stores of the colliery resulting in the reduction in the total volume of the store and consequently it found that the post of the head store keeper was redundant and surplus to its requirement. Its case further is that the retrenchment of Sri P. K. Das is justified and that he does not, therefore, deserve any relief.

5. On receiving a copy of the workman's written statement, the company has filed a re-joinder on the 16th December 1967. In this rejoinder the company has denied the various allegation made in the workman's written statement. It has further been stated that the stores of the Bhulanbararee Colliery were properly and lawfully reorganised by amalgamation with the Central Stores maintained at Jealgora Colliery by the East Indian Coal Co. Ltd., which now controls majority of the shares of the Bhulanbararee Coal Co. Ltd. Consequently, the management no longer requires the services of the head store keeper to look after the meagre store at Bhulanbararee Colliery. The retrenchment of the workman concerned is, therefore, *bona fide* and justified.

6. At the hearing, one witness has been examined on each side. Some documents filed on behalf of the workman have been marked exhibits W 1 to W 6 on waiver of formal proof by the other side. In view of the arguments advanced on behalf of both parties, the following points arise for decision:—

- (i) Were the services of Sri P. K. Das redundant and surplus at the time of his retrenchment?
- (ii) Did the management properly and legally comply with the provisions of section 25F of the Act;
- (iii) In all the circumstances of this case, is the retrenchment of Sri P. K. Das justified?

Point No. 1

7. The admitted position is that Bhulanbararee colliery has come under the management of the East Indian Coal Co. Ltd., from the year, 1962; that the company has four other collieries at varying distances from Bhulanbararee Colliery, namely, Jealgora colliery, Bararee Colliery, South Bulihari Colliery and Kenduadih Colliery. The management of Bhulanbararee Colliery is controlled through Mr. J. J. Evans who is the Chief Mining Engineer not only of Bhulanbararee Colliery but of the other four collieries managed by the East Indian Coal Co.

8. The management's case in substance is that the East Indian Coal Co., does not maintain separate stores at each of its collieries but it maintains a central store at Jealgora colliery for supply of stores to each of the different collieries. In 1966, it decided to amalgamate the store at Bhulanbararee Colliery with the central stores and hence the services of the Head Store Keeper, Sri P. K. Das of Bhulanbararee Colliery, became redundant and surplus. Shri N. M. Krishnan is the store supervisor of the East Indian Coal Co. Ltd., and he has supported this case. I find it difficult, however, to accept his evidence. It is rather significant that, in the letter (Ext. W 1) the management has not said anything about amalgamation of the store at Bhulanbararee Colliery with the Central Store at Jealgora.

It has rather given the reason for retrenchment of Sri P. K. Das as "reorganisation and centralisation of stores at Bhulanbararee Colliery" and not at Jealgora Colliery. In the first written statement filed by the company, there is no reference at all to the alleged amalgamation but it put its case in paragraph 3 as follows:—

"Sometime in or about the month of October, 1966, the management reorganised the Stores of the colliery resulting in the reduction in the total volume of the Stores. Consequently, the management found that the post of the Head Store-Keeper was redundant and surplus to its requirements".

9. Referring to the Union's complaint about the retrenchment of Sri P. K. Das before the Asstt. Labour Commissioner (C), Dhanbad, the management has stated in paragraph 6 of its first written statement that it made a comment as follows:—

"At the discussions held on 25th January 1967 at the Agent's office, the union representatives were impressed that management was justified in retrenching workers rendered surplus due to re-organisation after payment of due retrenchment benefits according to the law. The allegation that Shri P. K. Das was discharged due to the union activities is not correct."

10. It has also to be noticed that, before the Asstt. Labour Commissioner (C), the management does not appear to have set up any case. It is for the first time in the rejoinder which the company filed on the 16th December, 1967 that, as I have already quoted, it set up the case of centralisation of store for all the collieries including Bhulanbararee colliery at Jealgora colliery. It seems abundantly clear, therefore, that this case has been set up in December, 1967 as an afterthought.

11. Supposing for the sake of argument that the management was of opinion that stores required for all the collieries should be kept at Jealgora in one central store. This could be conveniently effected in due course. It was not at all necessary that this should be done in a tremendous hurry. As required by section 25F of the Act, Shri P. K. Das could have been given one month's notice, giving him reasons for retrenchment. Instead of that, the management served him with notice on 14th October 1966, terminating his services with effect from the very next day i.e. 15th October, 1966. This extraordinary hurry in getting rid of him is, in my opinion, very revealing. It shows that the reason for termination of the services of Shri P. K. Das was not reorganisation of work but something which the management does not wish to disclose.

12. I may further mention that Sri Krishnan has stated that he supplies stores to different collieries on requisitions made to him by the Managers of the collieries. Although he says that the collieries distribute the stores received from the central stores to different places as soon as they receive the same, he admits that supplies are sometime stocked for even a day at the colliery before being distributed. Even if this is true, it shows that some stores must be maintained at the different collieries also. In these circumstances, I am of opinion that the entire evidence relating to all stores required for all collieries being kept in one central store is unworthy of credence.

13. On the other hand, Shri P. K. Das, who has examined himself, has stated that stores used to be issued every-day from the store at Bhulanbararee colliery, that the valuation of the store at Bhulanbararee colliery must have been about twelve lakhs and that the work of Bhulanbararee colliery has increased ten times between 1962 and 1966. He has also said that he had one Assistant Store Keeper, one store issue clerk and two store coolies under him in October, 1966. I do not think that work which required such a large staff could disappear at a moment's notice. The evidence of P. K. Das further is that labourer used to come to him for advice in connection with the recommendations of the Wage Board which were likely to be issued and, although he used to ask the workers, labourers and fitters who came, to go to the union office, the management gave him a warning in this connection. It seems to me that the management felt suspicion that P. K. Das was becoming too popular with the workers and he might be inciting them. Hence, it terminated his services in a hurry.

14. On a consideration of all the facts and circumstances of the case, I am convinced that the services of P. K. Das did not become redundant and surplus and that they were not terminated for that reason.

Point No. 2

15. Section 25F of the Act reads thus:—

"No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;"

* * * * *

Clause (a) leaves no room for doubt that one month's notice given to a workman must expire or he must be paid wages for the period of notice in lieu of it before he is retrenched. I have quoted the second paragraph of the notice which shows that the offer of payment of one month salary was conditional upon his handing over charge of the store satisfactorily and also upon his vacating the company's quarters. Such a conditional offer cannot be held to be a tender of salary in lieu of notice as required by clause (a) of Sec. 25F of the Act. In my opinion, the retrenchment of Sri P. K. Das is invalid on this ground also.

16. Sri Narsingh, who has appeared on behalf of the company, has said that this Tribunal cannot proceed beyond the scope of the reference. In other words, his argument is that the reference requires me to find only whether the retrenchment is justified and not whether the retrenchment is valid or legal. I am unable to agree. In my opinion, the retrenchment cannot be held to be justified if it is invalid or illegal. The question of validity or illegality of the retrenchment is, therefore, undoubtedly within the scope of reference. In fact, the question whether a retrenchment is justified includes consideration of various circumstances including the question of its validity and legality.

Point No. 3

17. In view of the finding which I have recorded above, it is manifest that the retrenchment of P. K. Das is not justified.

In view of this answer to the first question formulated in the reference, I hold that the retrenchment of Shri P. K. Das should be set aside and he should be reinstated with continuity of service. He should also be paid his full back wages from the date of retrenchment upto the date of his reinstatement. He is fully entitled to these reliefs. I give my award accordingly. Let it be submitted to the Central Government under section 15 of the Act.

Sd./- KAMLA SAHAI,
Presiding Officer.
[No. 1/5/67-LRII.]

S.O. 150.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 28th December, 1967.

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR.**

CAMP AT RANCHI

DATED DECEMBER 19, 1967.

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

CASE REF. No. 60 OF 1964 (DHANBAD TRIBUNAL)

CASE REF. No. 10 OF 1967 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to Sijua Colliery of M/s Tata Iron and Steel Co. Ltd.,
Jamadoba, Post Office Jealgora, Distt. Dhanbad (Bihar).

Versus

Their workmen through the President, Congress Mazdoor Sangh, Bihar, Camp, Jorapokhar No. 1, P.O. Jealgora, Distt. Dhanbad.

APPEARANCES:

For employers.—Sri S. N. Singh, Asstt. Chief Personnel Officer.

For workmen.—Sri B. N. Sharma, President, Congress Mazdoor Sangh.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/41/64-LR-II dated 22nd May, 1964, the following dispute, as stated in the schedule to the order of reference, was referred to Central Government Industrial Tribunal, Dhanbad from where it was transferred to this Tribunal by Notification No. 8/25/67-LR-II dated April 25, 1967.

Matter of Dispute

Whether the management of the Sijua Colliery of Messrs. Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad was justified in dismissing Shri Mohammad Khan, Watchman, from service with effect from the 7th December, 1963? If not to what relief is the workman entitled?

2. The employers filed their written statement before the Dhanbad Tribunal and the Union also filed their written statement-cum-rejoinder before the said Tribunal. The employers filed their rejoinder before this Tribunal. After a few dates of hearing when one or the other of the parties took adjournments evidence was ultimately recorded on 11th December, 1967 at Dhanbad when the Union examined the workman concerned and filed one document while the employers examined three witnesses S/Sri S. Q. Ahmad (E.W. 1) who proved workmen's document Ex. W. 1 also, Jawahar Lal (E.W. 2) who proved the record of enquiry proceedings (Ex. E/12) and Sri S. N. Singh (E.W. 3) who proved the record of second enquiry proceedings (Ex. E/13).

3. Mohammad Khan was a Watchman employed in the Sijua Colliery of Tata Iron & Steel Company. He was dismissed by an order of the Chief Mining Engineer dated 2/3rd December, 1963 with effect from 7th December 1963 on a charge of having been found sleeping on duty in the night between 29th/30th September, 1963 during his duty hours from 11 p.m. to 3 a.m. It appears that the Security Officer, Sri Z. M. Penty, along with the Watch & Ward Incharge, Sri S. Q. Ahmad (E.W. 1) went for a surprise check at about 1.00 a.m. on the night in question and found the main gate partially closed and the workman was found sleeping resting his arms on the stick which had been fixed horizontally in the holes. In consequence of this, a charge-sheet was issued on 1/3rd October, 1963 and the Welfare Officer (Personnel) Sri Jawahar Lal (E.W. 2) was appointed the Enquiry Officer. The workman had applied earlier for postponing the enquiry on the ground that he had to file copies of certain documents to be obtained from Criminal Court but during enquiry he stated that he had forgotten to bring his papers on which he had made notes of points to support his defence. The Enquiry Officer turned down the request and did not grant further adjournment. On the evidence of the Security Officer and the Watch and Ward Incharge, he found the charge proved. The workman, however, applied to the Chief Mining Engineer on 12th October 1963 that he was prejudiced by the refusal of the Enquiry Officer to grant an adjournment. The Chief Mining Engineer by letter dated 20th November, 1963 while rejecting the contention that he was in any way prejudiced, however, directed that another enquiry would be held by the Legal Assistant. The second enquiry was, therefore, held by Sri S. N. Singh (E.W. 3) on 25th November 1963. The workman again presented an application for adjournment. Sri Singh recorded an order that if after the evidence documents were found material he would give him time. The workman, however, after leaving the application did not participate in the enquiry. Sri Singh recorded the statements of S/Sri Z. M. Penty and S. Q. Ahmad again and found the charge proved by his report dated 26th November 1963 as a result of which the workman was dismissed. These facts are proved by the documents Ext. E/1 to E/13 and the evidence of the witnesses mentioned above.

4. It was urged on behalf of the Union that the charge was false and the workman was victimised for his trade union activities. In support of this, reliance was placed on Criminal Court judgment dated 14th December 1965 from which it appears that ten accused including this workman, Mohd. Khan, were prosecuted for offences under Section 147/447/379 I.P.C. in respect of an

occurrence dated 28th September, 1963 and after a trial all the accused were acquitted. It may be true that on a police report the workman and others connected with the Union were prosecuted but that does not mean that the workman was innocent of the charge and was not actually found sleeping on duty. At best, it would only show that the management was more vigilant and the Security Officer and the Watch and Ward I/C for this reason went on a surprise check. There could be no motive for setting up a false charge of sleeping on duty when the workman had already been prosecuted on a criminal charge for a different matter. It was entirely unnecessary to fabricate this incident so as to get rid of the workman when the same result would have followed after his criminal prosecution and conviction. The material point is whether the management acted in a bonafide manner and held the charge proved after a proper domestic enquiry conforming to principles of natural justice. There is nothing to indicate otherwise. In the first enquiry dated 12th October 1963 the only grievance of the workman was that he was not allowed time to file documents. The only document which he could have filed was the fact of police report resulting his prosecution for the incident dated 28th September, 1963. That could not have helped the workman. In any case, the management took the precaution of ordering a fresh enquiry which was conducted by Sri S. N. Singh on 25th November 1963. By that time, the workman had ample opportunity to obtain certified copies of documents which he could have produced in the enquiry. At any rate, there was no justification for the workman not to have participated in the enquiry when Sri Singh, the Enquiry Officer, had directed that if after the evidence it was considered necessary to give him time, the request would be considered. From the evidence of the Security Officer and the Watch and Ward Incharge, both the Enquiring Officers were fully justified in coming to the conclusion that the charge was proved. Reliance was placed on an application of the then Watch and Ward Incharge, Sri S. Q. Ahmad (E.W. 1) whose services it appears were terminated on 1st January, 1964. Before the termination, he made a representation to the Chief Mining Engineer on 19th December 1963 (Ex. W/1) complaining against the Security Officer with whom he had some differences and one of the allegations made in paragraph 11 was that Sri Penty compelled him to give a false statement against Mohd. Khan for having been found sleeping on duty. Such a subsequent conduct on the part of Sri S. Q. Ahmad is of no consequence. The real question is whether both the Enquiring Officers had any material with them on which they could reject his evidence. He had supported the Security Officer in both the enquiries and the Enquiring Officers were, therefore, fully entitled to place reliance on his evidence. The workman in his evidence did not state anything which could be taken as an infirmity to vitiate the enquiries. As a matter of fact, both the enquiries were bonafide and proper and the management was extra cautious in directing an enquiry for the second time on the representation of the workman concerned. As for punishment his service record shows that there had been lapses for sleeping on duty in the past also for which he had been punished by suspensions. It is a serious matter for a Watchman to be found sleeping on duty and the punishment does not appear to be vindictive or mala fide.

Decision:

There is no merit in the dispute raised by the Union and it has to be held that the management was justified in dismissing Sri Mohd. Khan. No order for costs.

(Sd.) G. C. AGARWALA,
Presiding Officer.

19.12.1967.

[No. 2/41/64-LR-II.]

S.O. 151.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Selected Searsole Colliery, Post Office, Raniganj, District Burdwan and their workmen, which was received by the Central Government on the 27th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 58 OF 1967

PARTIES:

Employers in relation to the Selected Searsole Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri H. L. Tandon, Agent.

On behalf of Workmen.—Shri Joyanta Poddar, Jt. Secretary, Colliery Mazdoor Congress and Shri M. H. Ashree, Concerned workman.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/53/67-LRII, dated 10th July 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Selected Searsole Colliery, P.O. Raniganj, Distt. Burdwan and their workmen in respect of the matter mentioned in the following schedule:

"Whether the termination of service of Shri M. H. Ashree, Time Keeper, by the Selected Searsole Colliery, with effect from the 28th April, 1967 was justified? If not, to what relief is he entitled?"

2. Mehdi Hossain Ashree was appointed as Time Keeper at Selected Searsole Colliery according to the case of the union in 1964 and before the termination of his service he used to draw a monthly pay of Rs. 175. According to the management a signed but blank letterhead bearing the name of Shri L. P. Buchasia was made over to M. H. Ashree for handing over the same to another officer, Shri M. D. Mukherjee, But M. H. Ashree failed to make over the signed letterhead to M. D. Mukherjee, and when he was asked by a letter dated 12th April, 1967 by the agent of the colliery to produce the signed blank letterhead within 3 days, he denied having received any such letterhead. After some further correspondence, in the course of which the agent accused Shri M. H. Ashree of having secreted certain registers belonging to the colliery office, the agent summarily terminated the service of M. H. Ashree with effect from 28th April 1967 by a letter of that date. He was informed that he would be given one month's salary in lieu of notice.

3. According to the union, the termination of service in the circumstances amounted to victimisation of the workman concerned, and it was done because the management was displeased with M. H. Ashree because he had taken a leading part in the organisation of a branch of the Colliery Mazdoor Congress at the colliery and had become President or Vice-President of the branch committee. The union denied that any letterhead signed by Shri L. P. Buchasia had ever been entrusted to M. H. Ashree for being made over to another officer of the colliery.

4. The case was fixed for hearing on 20th December 1967. On 14th December 1967, the agent of the colliery Shri H. L. Tandon appeared with the workman concerned, M. H. Ashree and filed a joint petition stating that the dispute had been settled between the employers and the workman concerned. By the terms of the settlement, the employers withdrew their order dated 28th April 1967 terminating the service of the workman with immediate effect giving one month's pay in lieu of notice, and further agreed to make an ex-gratia payment to the workman of a sum of Rs. 1,500 as compensation, and the workman in his turn gave up his claim of reinstatement and submitted a letter of resignation with retrospective effect from 28th April 1967. The agreed sum of money was handed to the workman by the agent, Shri H. L. Tandon, before the tribunal and a duplicate copy of the receipt was furnished for the record of the reference case. The case was adjourned to 20th December 1967 for final order. On that day Shri Joyanta Poddar, Joint Secretary of the Colliery Mazdoor Congress (HNS) appeared and stated that he had no objection to an award being made in terms of the joint petition filed on 14th December 1967 although, not unnaturally he expressed his sense of grievance that the workman had sidetracked his union and had come direct with the employers for filing a joint petition of settlement.

5. An award is therefore made in terms of petition of compromise a copy of which is annexed to the award. A duplicate copy of the receipt for the money paid to the workman is kept in the file of the reference case.

Dated,

The 20th December, 1967.

(Sd.) S. K. SEN,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 58 OF 1967

PARTIES:

Employers in relation to Selected Searsole Colliery

AND

Their workmen.

The Employers and Shri M. H. Ashree the workman concerned in the above reference jointly beg to submit most respectfully:—

1. That the above Reference related to the dispute arising out of the termination of the service by the workmen with effect from 28th April 1967.
2. That on mutual discussion the parties have decided to amicably settle their dispute which is the subject matter of this Reference on the following terms:—
 - (a) that the Employers will withdraw their Order dated 28th April 1967 terminating the service of the workman with effect from 28th April 1967.
 - (b) that the workman will resign from the service of the Employers with effect from 28th April 1967 and the workman has accordingly submitted his resignation. Copy enclosed marked Annexure "A" and the same has been accepted by the Employers.
 - (c) that on *ex-gratia* consideration the Employers will pay a sum of Rs. 1,500 (Rupees one thousand and five hundred only) to the workman within 7 days from the date of this application and the workman concerned hereby admits that he will have no further claim whatsoever against the Employers.
 - (d) that the cost of this Reference will be respectively borne by the parties.

The parties therefore pray:—

That the settlement of the dispute on the above terms be approved and an award be passed accordingly treating this application as a part of the Award.

Signed this the 4th December, 1967 at Selected Searsole Colliery, P.O. Raniganj, Dist. Burdwan.

Sd./- M. H. ASHREE

Workman concerned.

For selected Searsole Colliery.

Witness:—(1). D. P. Roy Choudhury.
Manager.

(2) Sd./- ARJUN PRASAD.

For SELECTED SEARSOLE COLLIERY

Sd /- H. L. TANDON,

Agent.

for Employers.

Raniganj.

Dated 29.11.67.

ANNEXURE "A"

To

The Agent,

Selected Searsole Colliery,

Raniganj.

Dear Sir,

I am thankful to you for your kindly withdrawing the letter No. AG/SSC/67-68, dated 28th April 1967 terminating my services with effect from 28th April, 1967.

I am not keeping well and as such I have decided to tender my resignation from my service retrospectively with effect from 28th April 1967 and request you to kindly accept the same.

Accepted.

Sd./- H. L. TANDON.

Agent.

30.11.67.

Yours faithfully,

Sd./- M. H. ASHREE,

Time Keeper.

Selected Searsole Colliery.

[No. 6/53/67-LR.II.]

S.O. 152.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Alkusha Gopalpur Colliery of Messrs Khanna Commercial Corporation (Private), Limited, P.O. Salanpur, District Burdwan and their workmen, which was received by the Central Government on the 27th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 42 OF 1967

PARTIES:

Employers in relation to the Alkusha Gopalpur Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri Monoj Kumar Mukherjee, Advocate.

On behalf of Workmen—Shri P. K. Mukherjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mine.

AWARD

By Order No. 1/11/67-LR-II, dated 25th May, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Alkusha Gopalpur Colliery of Messrs Khanna Commercial Corporation (Private) Limited, Post Office Salanpur, District Burdwan and their workmen in respect of the matters specified in the following schedule:

“Whether the management of Alkusha Gopalpur Colliery of Messrs Khanna Commercial Corporation (Private) Limited, post Office Salanpur, District Burdwan was justified in declaring a lock-out from the 29th April, 1967? If not, to what relief are the workmen entitled?”

2. According to the written statement of the management one Jagnarayan Thakur, a Mining Sirdar spoke to the manager of the colliery on 28th April 1967 in abusive language and instigated other workers to stop work. On 29th April 1967, the workers did not resume their duty. The manager drew up and served chargesheet on Jagnarayan Thakur on 29th April 1967 and suspended him. Thereupon Jagnarayan Thakur along with some other workmen of the colliery started intimidating and threatening the manager. The manager being apprehensive of his safety left the colliery on 29th April 1967 and then the representative of the owners declared a lock-out at about 3 P.M. on 29th April, 1967. According to the management, therefore, the lock-out was legal and justified.

2. The union, Colliery Mazdoor Sabha, Asansol, did not file any written statement although that union had raised the dispute before the A.L.C., Central,

Asansol by a letter dated 1st May 1967. On the basis of the failure report the Central Government referred the dispute for adjudication by the order already referred to, dated 25th May, 1967, and on the same day passed another order under Sub-section (3) of Section 10 prohibiting the continuance of the lock-out and the strike. Thereupon the management lifted the lock-out with effect from 31st May, 1967.

4. At the hearing Shri P. K. Mukherjee, Advocate, has appeared for the union and filed a petition stating that as the management have lifted the lock-out, the workmen do not want to proceed with the reference case. Shri M. K. Mukherjee, Advocate, appearing on behalf of the management has filed a petition stating that they are ready with evidence to show that the lock-out was legal and justified and that the evidence should be taken and a finding recorded. In view of the fact however that the dispute was originally raised by the union on behalf of the workmen and the union concerned and the workmen do not want to proceed with the reference case for adjudication of the dispute and they do not want any relief, I do not think that a mere declaration ought to be made as to the lock-out being legal and justified. Since the union and the workmen do not want to proceed with the case, the case should be disposed of on the basis that there is no dispute. I therefore dispose of this reference case with the finding that no dispute now exists about the lock-out which was declared by the management from 29th April, 1967.

This is my award in the case.

Dated, 22nd December, 1967.

(Sd.) S. K. SEN,

Presiding Officer.

[No. 1/11/67-LR.II.]

S.O. 153.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Kendra Colliery, Post Office Pandavaswar, District Burdwan and their workmen, which was received by the Central Government on the 28th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 43 OF 1967

PARTIES:

Employers in relation to the Kendra Colliery,

AND

Their Workmen

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri M. K. Mukherjee, Advocate.

On behalf of Workmen—Shri Patit Paban Pathak.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/33/67-LRII, dated 24th May, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Kendra Colliery, P.O. Pandaveswar, District Burdwan and their workmen in respect of the matter specified in the following schedule:

“Whether the placing of Shri Jalim Kewat, Underground Loader, in Badli list from the 29th June, 1966 and his subsequent removal from the job from the 23rd January, 1967 by the management of Kendra Colliery were justified? If not, to what relief is the workman entitled?”

2. Jalim Kewat was employed as an underground loader at Kendra Colliery and had put in 13 or 14 years' service when he went on earned leave for 15 days from 30th May, 1966 to 15th June, 1966. From his village home he sent a medical certificate purporting to be granted by one Dr. Akhilanand Tiwari who described

himself as an Ayurvedic Physician, that he was suffering from Amoebic dysentery and rectal fistula. The manager received the letter on 13th June, 1966 and sent a letter dated 16th June, 1966 refusing extension of leave, having taken the medical certificate as an application for extension of leave even though no application for extension of leave had actually been received along with that medical certificate. Jalim Kewat reported at the colliery on 28th June, 1966 with another certificate purporting to be granted by Dr. Akhilanand Tiwari, dated 26th June, 1966 that he had been ill of Amoebic dysentery and was now fit. The manager sent Jalim Kewat to the Chief Medical Officer of Kendra Hospital, Dr. K. L. Banerjee. Dr. K. L. Banerjee sent a report to the Manager stating that he could not confirm that Jalim Kewat had suffered from dysentery from 7th June, 1966 to 26th June, 1966. Thereupon the Manager by a letter, dated 29th June, 1966 terminated Jalim Kewat's lien on his permanent post as underground loader and placed him on the badli list.

3. According to the Union, the Colliery Mazdoor Sabha, the workman Jalim Kewat accepted the Manager's order under protest because he had no other means at the time for maintenance of his wife and children, and he was given badli work for some months, but towards the end of January, 1967 he was no longer offered any badli work, and accordingly the Union on his behalf raised a dispute before the A.L.C., Central, Raniganj. There was no settlement before the A.L.C., Raniganj and accordingly the matter has come up for adjudication. According to the Union the management was not justified in initially placing Jalim Kewat on the badli list, as he had fallen ill when he had gone home on leave and therefore he had sufficient reason for his absence on the expiry of the earned leave which had been granted to him. On behalf of the workman the Union prayed for his reinstatement as well as back wages.

4. The management contended that since the Chief Medical Officer of the Samla Collieries Ltd. did not confirm that the workman had actually suffered recently from Amoebic dysentery, the Manager was justified in refusing to accept the cause alleged by the workman for his absence after the expiry of the leave, and in the circumstances under the Standing Orders the Manager was within his rights in terminating the workman's lien on his permanent job and placing him on badli list. As regards not offering badli work to Jalim Kewat from the last part of January, 1967, the management stated that for some time there was no badli work available as an underground loader or in any other job to which the workman could be put, but subsequently when there was work which could be offered, the workman failed to turn up.

5. The first point for consideration is whether the order of the management placing Jalim Kewat on the badli list with effect from 29th June, 1966 was justified. In paragraph 10 Clause (f) of the Standing Orders, it is provided that if a workman fails to return from leave by the due date, he shall lose his lien on his job unless he (a) returns within 10 days of the expiry of the leave, and (b) explains to the satisfaction of the Manager his inability to return on the expiry of his leave. When the workman produced a certificate, dated 26th June, 1966 (Marked 2 for identification as Dr. Akhilanand Tiwari did not come as witness), and the certificate stated that the workman had been suffering from Amoebic dysentery from 7th June, 1966 to 26th June, 1966, the Manager could for his satisfaction send the workman to the Chief Medical Officer of the company for confirmation whether the workman had really suffered from such disease. In 1963 II LLJ 638 (Buckingham and Karnatic Company Ltd. and Venkatayya) the Supreme Court held that the management was competent to test a medical certificate produced as the cause of overstaying leave by getting the man examined by the company's Senior Medical Officer. In that case the action of the company in not accepting the alleged cause of absence as sufficient was upheld, even though the authority under the Employees State Insurance Act accepted the medical certificate produced by the workman and granted sickness benefit. The Senior Medical Officer of Samla Collieries Ltd. which own the Kendra Colliery has been examined as a witness, and he has deposed that he examined Jalim Kewat by superficial examination of his abdomen and by deep palpation of the abdomen and did not find any symptom to show that the man had recently been suffering from amoebic dysentery and then he sent the report, Ext. D. saying so to the Manager. In the circumstances it cannot be said that the Manager was wrong in holding that the cause for overstaying leave as shown by the workman was not acceptable. The evidence given by the workman that he was taken to a Hospital when he fell ill at home, and stayed as an indoor patient till 26th June, 1966, is not acceptable, as no Hospital ticket has been produced, but the certificates produced are from an Ayurvedic Physician i.e. a Kaviraj or Vaid. His overstaying of leave was by 12 days in this case. Accordingly, the action of the Manager

placing the workman on the badli list and terminating his lien on his permanent job must be held to be justified, being in accordance with the Standing Orders.

6. The second point is whether the subsequent removal of the workman from his job from 23rd January, 1967 by the management was justified. On this point the evidence of the workman is that after some months it was the company that stopped giving him badli work. But the evidence of the Manager who deposed as MW 1 is that in January, 1967 there was no extra work as an underground loader available which could be given to a badli worker, and so Jalim Kewat was offered the job of a boxing mazdoor and he did that work for 2 days and then absented himself but complained that he was not being given work, and the Manager replied that his allegation was not correct; and that at the end of February or beginning of March there was extra job for underground loaders available and if Jalim Kewat had reported at the pit head he would have been given that work, but although Jalim Kewat once saw the Manager and the Manager asked him to report to the Assistant Manager the workman did not do so. The Manager said that the workman had started a toddy shop and was doing that business and did not report himself for badli work. Some correspondence has been proved in this connection. Ext. B1 is a letter dated 28th December, 1966 from Jalim Kewat. Therein Jalim Kewat complained that after having been given his original job as loader for some months he had been asked to work as timber helper which had caused loss of his earning and he wanted his original employment. Ext. C2 is the reply of the Manager, dated 7th January, 1967. Therein the Manager told the workman that he was a badli worker and he could be offered job when it was available, and that when work as underground loader was not available he was offered the job of boxing mazdoor but that he did not attend to do that work. The next relevant letter is Ext. B3, dated 3rd February, 1967 from the workman. Therein the workman stated that he had not been given any work since 23rd January, 1967 although some new workers had been employed in the sand line at the colliery. The reply of the Manager is Ext. C3, dated 4th February, 1967. Therein he stated that as the workman had been an underground loader, he was not considered fit for work in the sand line and that he should report to the Assistant Manager to find out whether suitable work was available for him. Thereafter according to the Manager's evidence, even when the workman was informed that extra work as underground loader was available from the end of February, 1967 the workman did not report to the Assistant Manager at the pit head for work. Further, according to the Manager the name of the workman has still been retained in the badli list, and not removed therefrom.

7. My award therefore is that the placing of Jalim Kewat, Underground loader in the badli list from 29th June, 1966 was justified; and there has been no removal of Jalim Kewat from the badli list although he could not be given any suitable work for sometime from 23rd January, 1967, he may resume reporting to the Assistant Manager for badli work; and if he does so the management must give him whatever suitable badli work is available.

(Sd.) S. K. SEN,
Presiding Officer.

Dated, 23rd December, 1967.

[No. 6/33/67-LRII.]

S.O. 154.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Chora Colliery, No. 10 Pit of Messrs East Chora Colliery Company Limited, Post Office Bahula, District Burdwan and their workmen, which was received by the Central Government on the 27th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 59 OF 1967

PARTIES:

Employers in relation to the Chora Colliery,

AND

Their Workmen

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers—Absent.

On behalf of Workmen—Shri B. Malkhandey, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/49/67-LRII, dated 15th July, 1967 the Central Government referred for adjudication an industrial dispute between the employers in relation to the Chora Colliery, No. 10 Pit of Messrs East Chora Colliery Company Limited, P.O. Bahula, District Burdwan and their workmen in respect of the matters specified in the following schedule:

"Whether the denial of wages to Shri Manik Bouri, Fitter Helper, from 6th January, 1967 to 10th March, 1967 by the management of Chora Colliery No. 10 Pit, Post Office Bahula, District Burdwan was justified? If not, to what relief is he entitled?"

2. In spite of issue of registered notices the management has neither filed a written statement nor appeared on the date for hearing. Accordingly, the matter has been taken up ex-parte. Manik Bouri employed as Fitter helper at Chora Colliery has been in service from 1961. He admits that on 4th January, 1967 the Assistant Manager of the Colliery asked him to work as a Pump Khalasi and that he did not obey the order on the ground that he was a Fitter helper and not a Pump Khalasi. A chargesheet, dated 4th January, 1967 was served on him for disobedience of the order of the Assistant Manager. Manik Bouri sent his reply dated 7th January, 1967 by registered post stating that he was Fitter Helper and could not do the work of a Pump Khalasi. Manik Bouri was served with another chargesheet dated 6th January, 1967 for absence from duty on 5th January, 1967. Manik Bouri sent a reply dated 7th January, 1967 stating that 5th January, 1967 was Thursday and his rest day. He was suspended from 6th January, 1967 and he began to stay at his village home which is one mile from the colliery. He was in the meantime given another chargesheet on 19th January, 1967 for failing to reply to the two earlier chargesheets. Apparently the replies which Manik Bouri sent by registered post did not reach the management in time. As the result of his representation Manik Bouri was ultimately allowed to rejoin his duty on 11th March, 1967. He was then served with a 4th chargesheet on 11th March, 1967 for unauthorised absence from 6th January, 1967 to 10th March, 1967. He submitted replies to the 3rd and 4th chargesheets also. No order was passed thereafter on Manik Bouri imposing any punishment on the basis of the chargesheets and he has been permitted to continue to the present day as a Fitter Helper. Through his Union he raised a dispute for the wages for the period of non-employment between 6th January, 1967 and 10th March, 1967. It appears from the failure report that the management's case before the Conciliation Officer was that Manik Bouri had been suspended for a few days only and it was his own fault that he was absent for a long time and therefore he was not entitled for wages during that period. The management has however not appeared before the tribunal. Manik Bouri's evidence is that having been suspended from 6th January, 1967 he was staying at his village home nearby and he tried from time to time for permission to join his post and was ultimately allowed to join on 11th March, 1967. The evidence finds support from the contents of the letter which he wrote through the Union on 28th February, 1967 *vide* Ext. 9, wherein it is stated that from time to time Manik Bouri was attempting to get an order permitting him to rejoin but he was not given such permission. In reply to his letter, Ext. 9, the management wrote a letter, Ext. 10 on 10th March, 1967 asking him to report for duty forthwith to the Engineer for allotment of shift and on the same day, 11th March, 1967, Manik Bouri went and joined. It appears therefore that it was not Manik Bouri's fault that he was absent from duty until 10th March, 1967. As regards the charges contained in the 4 chargesheets, only the first charge namely disobedience of the order of the Assistant Manager appears to have some substance. But even so, Manik Bouri's explanation that he was not trained for the duty of a Pump Khalasi and did not know the work has to be taken into consideration. As regards the charges in the other chargesheets, there appears to be no substance. In the circumstances, I think that out of the period of absence from 6th January, 1967 to 10th March, 1967 only 10 days should be treated as the period of suspension and for the rest of the period Manik Bouri should be given his full wages.

3. My award therefore is that the denial of wages to Manik Bouri, Fitter Helper, from 6th January, 1967 to 10th March, 1967 by the management was not justified and that out of that period Manik Bouri should be treated as on suspension for 10 days and paid full wages for the rest of the period, and I direct such payment to be made within one month of the publication of the award.

(Sd.) S. K. SEN,
Presiding Officer.

[No. 6/49/67-LRII.]

Dated, 22nd December, 1967.

S.O. 155.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Khas Dharmaband Colliery, Post Office Malkera, District Dhanbad and their workmen, which was received by the Central Government on the 30th December, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CAMP AT DHANBAD

Dated December 14, 1967

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

CASE REF. NO. CGIT/LC(R)(65) OF 1967 (JABALPUR TRIBUNAL)
CASE NO. 131 OF 1964 (DHANBAD TRIBUNAL)

PARTIES:

Employers in relation to Khas Dharmaband Colliery, Post Office, Malkera,
 District Dhanbad.

Versus

Their workmen represented through the General Secretary, Khan Mazdoor
 Congress, Jharia, P.O. Jharia, District Dhanbad (Bihar).

APPEARANCES:

For employers.—Shri A. D. Shukla, Group Personnel Officer of the management.

For workmen.—Sri Prasant Verman, Secretary, Khan Mazdoor Congress.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

The Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, by Notification No. 2/103/64-LRII, dated 23rd November, 1964 referred the following matter of dispute, as stated in the schedule to the order of reference, to the Central Industrial Tribunal, Dhanbad, for adjudication, from where it was transferred to this Tribunal by Notification No. 8/25/67-LRII, dated 25th April, 1967:

Matter of Dispute

Whether the management of Khas Dharmaband Colliery is justified in not making the payment of the usual extra monthly allowance of Rs. 15 to Shri Sukaran Ram, underground tub-writer? If not, to what relief is the workman entitled?

2. After a few hearings in this case certain additional issues were framed on 8th September, 1967 and ultimately this date was fixed for final hearing. The representatives of parties appeared and filed a compromise petition which has been duly verified before me and is annexure to this award. The payment of extra monthly allowance of Rs. 15 has been discontinued from March, 1967 and this position has been accepted by the Union. For the past claim of the extra monthly allowance, the parties have agreed that Rs. 450 (Rupees Four Hundred and Fifty) only would be paid to Sri Sukaran Ram within 15 days in full and final settlement of the claim and this has been accepted by the workman concerned also. The dispute is thus satisfactorily resolved and an award is recorded in terms of the compromise settlement.

(Sd.) G. C. AGARWALA,
 Presiding Officer.

14-12-1967.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

In the matter of the Industrial Dispute Reference No. CGIT/LC(R)(65) of 1967.

BETWEEN

Employers in relation to Khas Dharmaband Colliery, P.O. Malkera, District Dhanbad (Bihar)

AND

Their Workmen

Joint application regarding settlement arrived at in this dispute.

It is respectfully submitted :—

(1) That the workman affected in this dispute is Shri Sukaran Ram who is an employee and working as Munshi at Khas Dharmaband Colliery, P.O. Malkera, District Dhanbad.

(2) That the dispute related to the payment of extra allowance to him as Munshi which allowance has since been discontinued now from March, 1967 to any Munshi including Shri Sukaran Ram who will not be entitled for this allowance from March, 1967 as in case of other Munshies.

(3) That an amicable settlement in the dispute has been arrived at with Shri Sukaran Ram, the workman affected without prejudice to the respective stands of both the parties in this dispute on the following terms:

Terms of Settlement

(i) That the Management agrees to pay Shri Sukaran Ram, workman affected a sum of Rs. 450.00 p. (Rs. Four Hundred and Fifty) only in full and final settlement of his claim in the present dispute and Shri Sukaran Ram has agreed to accept the same accordingly.

(ii) That the Management agrees to pay this amount of Rs. 450.00 (Rs. Four Hundred and Fifty) only to Shri Sukaran Ram within a period of 15 (Fifteen) days from the date of the Settlement i.e. from 13th December, 1967.

(4) That the aforesaid Settlement has been arrived at voluntarily and with a view to maintain good industrial relations and is fair.

(5) That an Award on the basis of this Settlement may be given without awarding costs.

It is, therefore, humbly prayed that your Honour may kindly give the Award in this dispute accordingly.

And for this act of kindness the petitioner shall, as in duty bound, every pray.
Workman affected in this dispute :

(Sd.) SUKARAN RAM.
13-12-1967.

For Management :
(Sd.) A. D. SHUKLA.
Authorised Representative.
13-12-1967

Verified before me :

(Sd.) G. C. AGARWALA.
14-12-1967

(Sd.) A. D. SHUKLA.
14-12-1967

Part of Award

(Sd.) G. C. AGARWALA,
Presiding Officer.
14-12-1967.

[No. 2/103/64-LRII.]

S.O. 156.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Pure Samla Colliery of Messrs Pure Samla Coal Company Private Limited, Post Office Nutandanga, District Burdwan and their workmen, which was received by the Central Government on the 1st January, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 68 OF 1967.

PARTIES:

Employers in relation to the Pure Samla Colliery.
AND
Their workmen

PRESENT:

Shri S. K. Sen.—Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri H. N. Misra, Agent.

On behalf of Workmen—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/125/66-LRII dated 23rd August 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Pure Samla Colliery of Messrs Pure Samla Coal Company Private Limited, Post Office Nutandanga, District Burdwan and their workmen in respect of the matter specified in the following schedule:

“Whether the management of the Pure Samla Colliery was justified in dismissing Shri Kirtu Kole, Pick Miner, with effect from the 10th October, 1966? If not, to what relief is he entitled?”

2. In this case the union, namely the Colliery Mazdoor Union, Asansol which raised the dispute before the Conciliation Officer has not filed any written statement in spite of issue of notice calling upon the party to do so, and has not also appeared on the date of hearing although the date of hearing was again notified by a registered letter. The management has filed a written statement and has also appeared on the date of hearing and has produced evidence to justify the order dismissing Kirtu Kole, Pick Miner.

3. According to the management, Kirtu Kole, a Pick Miner as detected by the Mining Sirdar, Shri Bijan Ghose on 20th September 1966, robbing a pillar i.e., cutting coal from a pillar which may endanger the safety of the colliery and he was warned by him not to do so but was let off. On the following day, 21st September 1966, he was again detected by the same Mining Sirdar, Bijan Ghose, cutting a pillar at another place away from his place of work. Thereupon the Mining Sirdar reported to the manager and the manager drew up a chargesheet on 22nd September 1966 and served a copy of the chargesheet on the workman. The workman submitted a reply on 23rd September 1966, Ext. C denying the charge and alleging that the mining sirdar had asked for a bribe of Re. 1/- from him and as he did not pay a false complaint had been made by Mining Sirdar. The date of enquiry was fixed the enquiry being entrusted to Sri Rampada Chakravorty, General Supervisor of the colliery. At the enquiry the workman was present and it appears from the proceedings of the enquiry, Ext. E, that at the hearing Kirtu Kole admitted the charge against him and admitted also that he had made a false accusation against the mining sirdar. Evidence of the mining sirdar and the Overman whom the mining sirdar had called on 21st September 1966 to the place of occurrence was taken by the enquiring officer and he submitted a report stating that the charge had been admitted as well as proved. Thereupon the manager submitted the papers to the Agent and the Agent passed an order of dismissal on 10th October 1966. In the circumstances, the order of dismissal must be held to be justified. It appears from the failure report that the case of the union was that because Kirtu Kole had become an Office-bearer of the branch committee of the union, the management was displeased with him and that at the enquiry proper opportunity was not given to the workman to defend himself and that in any case the order of dismissal was unduly harsh. In view of the fact that the union has not appeared before the tribunal, there is no evidence that the workman was an Office-bearer of the branch committee and the *ex-parte* evidence shows that the workman was given every opportunity to defend himself, but he admitted the charge at the enquiry, apparently because twice he had been caught red-handed by the Mining Sirdar. As to the punishment being unduly harsh.

cutting of the pillar during development stage may endanger the safety of the colliery and therefore an order of dismissal cannot be regarded as harsh in such a case.

4. My award therefore is that the order of the management of Pure Samla Colliery dismissing Kirtu Kole, Pick Miner, with effect from 10th October 1966 was justified and the workman is not entitled to any relief.

(Sd.) S. K. SEN,
Presiding Officer.

Dated 28th December, 1967.

[No. 6/125/66-LRII.]

S.O. 157.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the (i) Messrs North Dhemo Coal Company (Private) Limited, Post Office Sitarampur, District Burdwan (ii) Messrs Belrui Desergarh Coal Company (Private) Limited, Post Office Sitarampur, District Burdwan (iii) Messrs Patmohonoa and Bharatchak Collieries (Private) Limited, Post Office Sitarampur, District Burdwan and their workmen employed in the Head Office of the respective Coal Companies, which was received by the Central Government on the 28th December, 1967.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CAMP AT RANCHI.

Dated December 18th, 1967.

PRESENT:

Srl G. C. Agarwala Presiding Officer.

CASE REF. NO. 119 OF 1964, DHANBAD TRIBUNAL

CASE REF. NO. CGIT/LC(R) (55)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to—

1. Messrs. North Dhemo Coal Co. (P) Ltd., P.O. Sitarampur (Burdwan).
2. Messrs. Belrui Desergarh Coal Co., (P) Ltd., P.O. Sitarampur (Burdwan).
3. Messrs. Patmohonoa and Bharatchak Collieries (P) Ltd., P.O. Sitarampur (Burdwan).

Versus

Their workmen employed in the Head Office of the respective Coal companies, through Nanalal M. Verma and Co. (P) Ltd., and its Associate Companies Employees Union C/o Sri S. N. Chakravarty, 104, New Station Road, P.O. Bhadrakali, Distt. Hoogly.

APPEARANCES:

For Employers.—Shri M. P. Balaise, Chief Personnel Officer, Authorised Representative of all the three employers.

For Workmen.—None.

INDUSTRY: Coal

DISTT. BURDWAN

AWARD

By Notification No. 1/15/63-LRII dated 20th October 1964, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute, as stated in the II Schedule to the order of reference, to the Central Industrial Tribunal, Dhanbad, for adjudication. The case remained pending before the said Tribunal till transferred to this Tribunal by Notification No. 8/25/67-LRII dated 25th April 1967:

Matter of Dispute

1. Whether the employers specified in Schedule I were justified in transferring the Head Office of the respective companies together with the staff from Calcutta to Sitarampur?
2. If not, to what relief are the employees affected by such transfer entitled?

No statements of claim were filed either before the Dhanbad Tribunal or before this Tribunal by either party. When the case was taken up for preliminary hearing at camp Allahabad on 14th June 1967, the Union which was served absented and all the three employers took time to file their written statements. After that the employers had been taking time, namely on 10th July 1967, 28th July 1967, 23rd August 1967, 6th September 1967, 7th October 1967 and lastly on 27th November 1967. In spite of sufficient indulgence shown to all the three employers they did not care to file even statement of claim. The Union remained absent throughout and on every adjourned date intimation was sent. Sometimes the Union was served but mostly not and it appeared that the Union became defunct and none was prepared to accept notice. Consequently, there is no material even by way of claims or otherwise before me on the basis of which it can be answered, one way or the other whether the employers were or were not justified in transferring the Head Office of the companies in question from Calcutta to Sitarampur. The parties presumably have not taken the dispute seriously and there is no alternative but to record no finding on the issues under reference.

(Sd.) G. C. AGARWALA,
Presiding Officer.

18th December 1967.

[No. 1/15/63-LRII-II.]

S.O. 158.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the (i) Messrs North Dhemo Coal Company (Private) Limited, Post Office Sitarampur, District Burdwan (ii) Messrs Belrui Desergarh Coal Company (Private) Limited, Post Office Sitarampur, Burdwan (iii) Messrs Patmohonoa and Bharatchak Collieries (Private) Limited, Post Office Sitarampur, District Burdwan and their workmen employed in the Head Office of the respective Coal Companies which was received by the Central Government on the 28th December, 1967.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

CAMP AT RANCHI

Dated December 18, 1967.

PRESENT:

Sri G. C. Agarwala, Presiding Officer.

CASE REF. NO. 42 OF 1964 (DHANBAD TRIBUNAL)

CASE REF. NO. CGIT/LC(R)(22)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to—

1. Messrs. North Dhemo Coal Co. (P) Ltd., P.O. Sitarampur (Burdwan).
2. Messrs. Belrui Desergarh Coal Co. (P) Ltd., P.O. Sitarampur (Burdwan).
3. Messrs. Patmohonoa & Bharatchak Collieries (P) Ltd., P.O. Sitarampur (Burdwan).

Vs.

Their workmen employed in the Head Office of the respective coal companies, through Nanalal M. Varma & Co. (P) Ltd., and its Associate Companies Employees Union, C/o Sri S. N. Chakravarty, 104, New Station Road, P.O. Bhadrakali, Distt. Hoogly.

APPEARANCES:

For employers: Shri M. P. Ballase, Chief Personnel Officer, Authorised Representative of all the three employers.

For workmen: None.

INDUSTRY: Coal Company

DISTRICT: Burdwan.

AWARD

The Ministry of Labour & Employment, Government of India, referred a dispute as stated in the schedule to the order of reference and reproduced below initially to Industrial Tribunal, Calcutta, presided by Sri L. P. Dave by Notification dated

4th February, 1964, from where it was transferred to Central Government Industrial Tribunal Dhanbad, by Order No. 1/15/63-LRII dated 9th April, 1964. It was again transferred from Dhanbad Tribunal to this Tribunal by Notification No. 8/25/67-LRII dated 25th April, 1967.

Matter of Dispute

What should be the scales of pay and dearness allowance of the Head Office employees of the following companies:—

1. Messrs. North Dhemu Coal Company (Private) Limited.
2. Messrs. Belrui Desergarh Coal Company (Private) Limited.
3. Messrs. Patmohona and Bharatchak Collieries (Private) Limited.

2 It appears that all the three companies together with a few others have a common Head Office as Associated Companies of Nanalal M. Varma & Co. (P) Ltd. which has a common Union in the name and style of Nanalal M. Varma & Co. (P) Ltd., and its Associate Companies Employees Union, C/o Sri S. N. Chakravartty, 104, New Station Road, P.O. Bhadrakali, Distt Hoogly. A dispute seems to have been raised by this Union about the scales of pay and dearness allowance of the three companies as also for other companies which did not fall within the sphere of the Central Government. Consequently, the reference was confined to the scales of pay and dearness allowance of the three above stated companies. After raising the dispute the Union do not appear to have taken any interest. They failed to appear before the Dhanbad Tribunal so long the dispute remained pending before the said Tribunal for over 2½ (two and a half) years. Repeated notices were sent by this Tribunal also for a number of dates from June, 1967 to December, 1967, but none turned up for the Union. Employers, however, had filed a written statement before the Dhanbad Tribunal. But during the hearing of the reference before this Tribunal on various dates they went on taking adjournments on one ground or the other. The case was ultimately taken up at camp Ranchi for which due information had been given to both parties but none has appeared to pursue the case. It was, therefore, decided to record an award in the absence of the parties who seem to be not at all interested in the dispute.

3. In the written statement filed by the employers, it was stated among other things that in the Head Office, North Dhemu Colliery had only eight (8) employees, out of them four were clerks, one office peon, one driver and two were in the officers cadre. For the colliery owned by M/s Belrui Desergarh Coal Company (P) Ltd., it was stated that the colliery was closed down in October, 1963 and all the employees were retrenched and paid due compensation. There was no dispute left with them. For the colliery owned by M/s Patmohona and Bharatchak Collieries (P) Ltd., it was stated that there were eight employees in the Head Office out of whom six were clerks, one peon and one driver and the clerks were being paid in Grade III. It was also alleged that the Union had no *locus standi* and the employees themselves have no dispute regarding their wages and dearness allowance. That this was so is borne out by the fact that a number of employees of these companies sent direct communications to Dhanbad Tribunal intimating that they had not authorised any union to sponsor the dispute and they had none with the employers. There were S/Sri Sailendra Nath, Prabhakar M. Joshi, Prahlad Chandra Maju, K. S. Rajan and Karan Swami of M/s North Dhemu Coal Company; S/Sri Sahdeo Laha and L. M. Joshi of M/s Belrui Desergarh Coal Company; and S/Sri Bimal Das Gupta, Pratosh K. Nandi, Ajit Kumar Bose, Shehdeo Laha and Kali Charan Sen of M/s Patmohona & Bharatchak Collieries (P) Ltd. That being so it appears that there is really no dispute between the employees of the Head Office of these companies and the employers. In any case, in the absence of the Union or the employees there can be no adjudication that the scales of pay and dearness allowance really need any revision. The reference is answered accordingly.

(Sd.) G. C. AGARWALA,

Presiding Officer.

18-12-67.

[No. 1/15/63-LRII-I.]

New Delhi, the 6th January 1968

S.O. 159.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Jote Dhemu Colliery, Post Office Ukhara District Burdwan and their workmen, which was received by the Central Government on the 27th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 63 OF 1967

PARTIES:

Employers in relation to the Jote Dhemo Colliery.

AND

Their workmen.

PRESENT:

Shri S. K. Sen.—*Presiding Officer*.

APPEARANCES:

On behalf of Employers. }

On behalf of Workmen. }

ABSENT.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/55/67-LRII dated 2nd August, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Jote Dhemo Colliery, P.I. Ukhra, District Burdwan, and their workmen in respect of the matters specified in the following schedule:

"Whether the suspension for 8 days of the following workmen with effect from the dates specified against them by the management of Jote Dhemo Colliery, Post Office Ukhra, District Burdwan was justified? If not, to what relief are they entitled:—

S. No.	Name	Designation	Date of suspension
1.	Shri Ram Naresh Singh	M. Coal Cutter	26-12-66
2.	Shri Ram Murath Singh	Coal Cutter	27-12-66
3.	Shri Paras Nath Pandey	Coal Cutter	27-12-66
4.	Shri Ambika Tiwari	M. Coal Cutter	27-12-66
5.	Shri Ramadhir Passy	M. Coal Cutter	26-12-66

2. Neither the management nor the union has filed any written statement, nor has either side appeared on the date fixed for hearing even though notice by registered post was given about the date fixed for hearing and was duly served on both the parties. It appears from the failure report that according to the management the five workmen were charged with some misconduct and the punishment of 8 days' suspension was imposed after proper enquiry. According to the union the enquiry was not proper. It would appear that the union no longer wants to press then claim that the enquiries were not proper and that the management being aware of the position has also not cared to appear.

3. This is therefore disposed of on the footing that there is no dispute now over the suspension of the five workmen for 8 days by the management of Jote Dhemo Colliery.

Dated, 22nd December, 1967.

Sd./- S. K. SEN,

Presiding Officer.

[No. 6/55/67-LRII.]

S.O. 160.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dutta's Central Kajora Colliery of Dutta's Central Kajora Coal Co. (P) Ltd., P.O. Kajoramgram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the employers of Dutta's Central Kajora Colliery, P.O. Kajoragram, District Burdwan were justified in terminating the services of Shri Nandlal Mitra with effect from the 10th June, 1967? If not, to what relief is the workman entitled?

[No. 6/82/67-LRII.]

New Delhi, the 8th January 1968

S.O. 161.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Dhemo Main Colliery, P.O. Sitarampur, District Burdwan and their workmen, which was received by the Central Government on the 30th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 67 of 1967

PARTIES:

Employers in relation to the Dhemo Main Colliery,

AND

Their Workmen

PRESENT:

Shri S. K. Sen.—*Presiding Officer.*

APPEARANCES:

Nil

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/28/67-LRII, dated 24th August, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Dhemo Main Colliery, Post Office Sitarampur, District Burdwan, and their workmen in respect of the matters specified in the following schedule.

“Whether the demand of the twenty-nine-pick miners whose names are given below and who are employed in B.C. Seam of Dhemo Main Colliery for grant of minimum guaranteed wages from 14th November, 1966 to 31st December, 1966 was justified? If so, to what relief are the workmen entitled?”

Names of Pick Miners

1. Sri Ramstikh.
2. Sri Rupchand.
3. Sri Bechal
4. Sri Satiram.
5. Sri Sudhari
6. Sri Sadhai.
7. Sri Parohi
8. Sri Dharmoo
9. Sri Binda Singh.
10. Sri Bina Singh.
11. Sri Bhikhar.
12. Sri Dharamdeo
13. Sri Manikchand.
14. Sri Baharoo Sikh.
15. Sri Chaturi.
16. Sri Pardeshi.
17. Sri Ladh.
18. Sri Ramnath (Jr.).
19. Sri Mukhl.
20. Sri Jugdhari.
21. Sri Sukhu.

- 22. Sri Ramkaran.
- 23. Sri Sankar.
- 24. Sri Bansaraj.
- 25. Sri Markhal.
- 26. Sri Basdeo.
- 27. Sri Nageswar.
- 28. Sri Naresh and
- 29. Sri Bhagdu.

2. In spite of issue and service of notices for filing written statement, neither party has cared to file any written statement, and in spite of issue of notices fixing the date of hearing by registered post neither party has appeared before the tribunal or filed any petition for adjournment. It appears from the failure report that the dispute was raised by the Colliery Mazdoor Union with the claim that the 29 workmen after having been transferred by the management from the Disergarh seam to B.C. seam in November, 1966 were unable to reach their normal earnings because of more difficult working conditions in the B.C. seam and the claim was that the management should make up the deficiency between their normal earnings and the actual earnings in B.C. seam. The reply of the management was that on transfer to the B.C. seam the workmen adopted go, slow tactics at they did not like the transfer, and the fall in their earnings by working in the B.C. seam was not due to difficult conditions but due to go slow tactics adopted by these workmen. The management also stated that about 270 other miners and loaders working in the B.C. seam were earning normal wages.

3. It would appear that the Union, though it had raised the dispute has not been able to find materials to support the claim and the management being aware of the position has also not cared to turn up. This reference case is therefore disposed of on the footing that no dispute now exists and no adjudication is necessary.

(Sd.) S. K. SEN,

Presiding Officer.

Dated, 27th December, 1967.

[No. 6/28/67-LR-II.]

ORDERS

New Delhi, the 30th December 1967

S.O. 162.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad in transferring Sarvashri Bhukhal Rajwar, Sobrati Mian, Lakhirman Bouri, Moti Bouri, Mining Sirdars and Khokha Mia, Engine Khalasi from Kharkharee Colliery to Babisole Colliery with effect from the 14th December, 1966, was justified? If not, to what relief are the workmen concerned entitled?

[No. 2/152/67-LR.II.]

S.O. 163.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the South Bulliaree Kenduadih Colliery of Messrs East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of South Bulliarce Kenduadih Colliery of Messrs East Indian Coal Company Limited Post Office Jealgora, District Dhanbad in dismissing Shri Kharg Banadur, Night Guard from service, with effect from the 10th July, 1967, was justified? If not, to what relief is the workman concerned entitled?

[No. 2/139/67-LR.II.]

S.O. 164.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jaipuria Samla Amalgamated Collieries Limited (Kendra Colliery), Post Office Pandaveshwar, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Kendra Colliery of Jaipuria Samla Amalgamated Collieries Limited was justified in dismissing Shri Dinesh Singh from service with effect from the 21st December, 1965? If not, to what relief is the workman entitled?

[No. 6/73/67-LR.II.]

S.O. 165.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the West Gopalchuck Colliery of Messrs Central Kirkend Coal Company Limited, Post Office Kusunda (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under Section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Mahadeo Pashi, Pump Khalasi, by the Management of West Gopalchuck Colliery of Messrs Central Kirkend Coal Company Limited, Post Office, Kusunda, District Dhanbad, with effect from the 29th September, 1967, was justified? If not, to what relief is the workman entitled?

[No. 2/153/67-LR.II.]

New Delhi, the 3rd January 1968

S.O. 166.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Shaw Wallace and Company Limited, Parasia, District Chhindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the change effected by the management in the incentive wage scheme applicable to Dressers-cum-Drillers since July, 1967 is justified? If not, to what relief are they entitled?

[No. 5/73/67-LRII.]

S.O. 167.—Whereas an industrial dispute exists between employers in relation to the Banki Colliery of Messrs National Coal Development Corporation Limited and their workmen represented by the Khadan Mazdoor Union, Post Office Banki Mogra, District Bilaspur (Madhya Pradesh).

And whereas the said employers and their workmen have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Dispute Act, 1947 (14 of 1947), referred the said dispute to arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government.

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 22nd December, 1967.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act 1947)

BETWEEN:

NAMES OF PARTIES:

Representing Employers.—Shri S P Mathur, Dy. Supdt. of Collieries, Banki Colliery of M/s N.C.D.C. Ltd., P.O. Banki Mogra (Distt. Bilaspur), M.P.

Representing Workmen.—Shri K. R. N Nair, Secretary, Khadan Mazdoor Union, P.O. Banki Mogra (Distt. Bilaspur), M.P.

It is hereby agreed between the parties to refer the following Industrial Disputes to the arbitration of Shri P. C. Rai, Regional Labour Commissioner (Central), Jabalpur.

(i) *Specific matters in dispute.*—I, Whether the Khadan Mazdoor Union is competent to raise the dispute specified in item II below?

II. If so, whether the action of the management in terminating lien on the appointment of Shri M Taranathan, Mechanical fitter in Cat VII and in re-appointing him in the same capacity w.e.f 7th June 1967 was legal and justified? If not, to what relief is he entitled?

(ii) *Details of the parties to the dispute including the name and address of the establishment or Undertaking involved.*—Employers in relation to the Banki Colliery of M/s. National Coal Development Corporation Limited, P.O. Banki Mogra (Distt Bilaspur) M.P. and their workmen represented by the Khadan Mazdoor Union, P.O Banki Mogra (Distt. Bilaspur) M.P.

(iii) *Name of the Union, if any representing the workman in question.*—Khadan Mazdoor Union, P.O Banki Mogra (Distt Bilaspur) M.P.

(iv) *Total number of workmen employed in the Undertaking affected.*—1250,

(v) *Estimated number of workmen affected or likely to be affected by the dispute.*—1.

We further agree that the decision of the Arbitrator shall be binding on us

The arbitrator shall make his award within a period of 3 months or within such further time as is extended by the mutual agreement between us in writing. In case the award is not made within the period aforesaid the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing Employers

(Sd.) S. P. MATHUR,
18-11-67

Witnesses

1. (Sd.) S. M. D. KURUP.
2. (Sd.) M. D. YASIN.

Banki Mogra,

Dated 18-11-1967.

Representing Workmen

(Sd.) K. R. N. NAIR,

[No 5/75/67-LRII.]

New Delhi, the 6th January 1968

S.O. 168.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bon-Jamihary Colliery owned by Messrs Bon-Jamihary Anthracite Coal Company Post Office Salanpur, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the transfer of S/Shri Rambarai Choubey and Bhagwan Singh Chaprasis from Bon-Jamihary Colliery to Brindabanpur Khas Colliery which also belongs to the same Management with effect from the 10th October, 1967 was justified? If not, to what relief are the workmen entitled?

[No. 6/85/67-LR-II.]

S.O. 169.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the M/s. Bhadra Colliery (Prop. The Rewa Mining Company Limited) P.O. Kotma District Shahdol (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of M/s. Bhadra Colliery, Kotma, in terminating the services of Shri Budhsen s/o Munda, Miner through their letter dated the 14th August, 1967, is justified? If not to what relief is the workman entitled?

[No. 5/84/67/LR-II.]

S.O. 170.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sripur 1, 2, 3 Pits Colliery, Post Office Kalipahari, District Burdwan (West Bengal) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Sripur 1, 2, 3 Pits Colliery of M/s. Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan (West Bengal) in dismissing Shri Bindoo Singh, Mining Sirdar, from service with effect from the 1st September, 1967, was justified? If not, to what relief is the workman entitled?

[No. 6/79/67-LR-II.]

New Delhi, the 8th January 1968

S.O. 171.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ballarpur Colliery of Ballarpur Colliery Company Limited, Nagpur, Post Office Ballarpur

District Chanda and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Ballarpur Colliery of Messrs Ballarpur Collieries Company Limited, Nagpur is justified in terminating the services of Shri Sakharani Kisan, Line Mazdoor, on grounds of superannuation with effect from the 9th August, 1967? If not, to what relief is he entitled?"

[No. 5/69/67-LRII.]

CORRIGENDUM

New Delhi, the 4th January 1968

S.O. 172.—In the Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4305, dated the 14th November, 1967 published at page 4579 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 9th December, 1967,

In line 3 of the Schedule, for "25th December, 1966" read 25th December, 1964.

[No. 2/27/67-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 30th December 1967

S.O. 173.—Whereas the vacancy has occurred in the Office of the Presiding Officer of the Labour Court at Jaipur, constituted by the notification of the Government of India in the late Ministry of Labour & Employment, No. S.O. 1780, dated the 19th June, 1963;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri Bipin Chandra Ojha as Presiding Officer of the Labour Court constituted as aforesaid.

[No. F. 1/85/67-LRI.]

S.O. 174.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Calcutta Licensed Measurers, Calcutta and their workmen which was received by the Central Government on 27th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 62 of 1967

PARTIES:

Employers in relation to the Calcutta Licensed Measurers, Calcutta,

AND

Their workmen.

PRESENT:

Shri S. K. Sen. *Presiding Officer.*

APPEARANCES:

On behalf of Employers—Shri D. Basu Thakur, Legal Adviser, Bengal Chamber of Commerce and Industry.

On behalf of Workmen—Shir P. P. Pathak, Shri D. K. Ganguly, Shri Kali Kumar Banerjee and Shri N. Ahmed representing three Unions.

STATE: West Bengal.

INDUSTRY: Port & Dock.

AWARD

By Order No. 28(13)/67-LRIII, dated 1st August, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Calcutta Licensed Measurers, Calcutta and their workmen represented by Calcutta Licensed Measurers' Union, Calcutta, Port and Dock Workers Union and National Union of Waterfront Workers, in respect of the matter mentioned in the following schedule:

"Computation of bonus under the Payment of Bonus Act 1965 (21 of 1965) in respect of the accounting year 1965-66".

2. The Calcutta Licensed Measurers is a registered firm with two partners, both of which are companies, viz. the Bengal Chamber of Commerce and Industry and the Indian Chamber of Commerce, Calcutta. The dispute relates to the bonus for the accounting year 1965-66. The management has declared bonus at 4.5 percent for that year, but the unions claim that on proper computation bonus would work out at 20% and they claim bonus at 20%. According to the management, on a computation of the allocable surplus there appears to be a deficit and therefore the employees are not entitled to more than the minimum bonus of 4% under the Payment of Bonus Act, 1965; the payment of 4.5% was made in order to secure industrial peace and the employees therefore are not entitled to any additional bonus.

3. The management have produced their balance sheet and profit and loss account for the year 1965-66 (Ext. A) and their computation of the allocable surplus (Ext. B) which is quoted below:—

	Rs.	Rs.
Net profit as per Income and Expenditure Account		2,20,561
Add Back provision for :		
(a) Depreciation	59,733	
(b) Direct Taxes	42,000	
(c) Contingencies	10,000	
(d) Bonus paid in respect of previous year	1,08,288	2,20,021
Gross Profit for the purpose of Bonus		4,40,581
Deduct prior charges :		
(a) Income-tax depreciation	38,078	
(b) Partners' Taxation	1,91,030	
(c) Firm's Taxation	55,176	
(d) Partners' Remuneration	1,00,626	
(e) 8.5% Return on Capital invested at the commencement of the Accounting year Rs. 9,59,236	81,535	4,06,445
	Deficit	25,863
	Allocable Surplus	Nil.

4. The unions accepted the correctness of the computation of the gross profit before deduction of prior charges. The dispute therefore centres on the 5 items of prior charges shown by the management in the above computation. As regards the figure for depreciation according to the provisions of the Income Tax, the unions originally objected that the management have produced no detailed calculation to support their figure. Subsequently the management produced the detailed calculation of the depreciation for the accounting year 1965-66 according to the provisions of the Income Tax Act (Ext. E). This computation shows the total depreciation as Rs. 38,078, as shown in the above computation. After the production of this detailed calculation, Ext. E, the unions have not pressed their objection as to the figure for depreciation to be deducted as a prior charge.

5. The unions have strenuously objected to the two deductions on account of taxation namely, Firm's taxation and Partners' Taxation. They have argued that the firm, Calcutta Licensed Measurers, has its own independent entity, and this

firm is the employer and therefore only the firm's taxation should be deducted and the partners' taxation i.e. taxation on the share of profit of each partner, should not come into the computation of the allocable surplus at all. Further, it has been urged on behalf of the unions that the taxation has been calculated on the gross profit including the bonus paid for the previous year namely, Rs. 1,08,288/-, and as no income tax is payable on the bonus paid, the bonus paid being allowed as a deduction for the purpose of computing the income for income tax assessment, this sum should be deducted from the gross profit before computation of the firm's taxation. Now for computation of the bonus, the bonus year i.e., the accounting year for which bonus is being computed, is taken as a unit and all items have to be worked out for that year. This was laid down by the Supreme Court in the case *Associated Cement Company Limited v their workmen* (1955-1 LLJ 644) and in several other cases. The Labour Appellate Tribunal in the case which laid down the accepted formula for computing bonus before the passing of the Payment of Bonus Act, namely 1950 II LLJ 1247 (*Mill Owners' Association, Bombay v Rashtriya Mill Mazdoor Sangh, Bombay*), in making the computation of bonus according to their formula, calculated income tax after deducting the bonus from the profits for the year in question. The Payment of Bonus Act does not specifically provide whether for calculating the income tax, the bonus paid in the accounting year for the previous year or the bonus payable for the accounting year should be deducted. But since the Act provides that in computing the direct tax, any loss incurred by the employer in a previous accounting year and carried forward for the time being and any arrears of depreciation which the employer is entitled to add under the Income Tax Law should be ignored, i.e. that the direct tax should be computed only on the year's trading result, it would follow that the deduction should be for the bonus payable for the accounting year under consideration and not the bonus paid during the accounting year for the previous year. I therefore hold that for the purpose of calculation of the tax, not the bonus paid for the previous year i.e. Rs. 1,08,288 but bonus payable for the year 1965-66 is to be deducted.

6. As to the question whether only the firm's tax should be allowed as a prior charge or the partners' tax also, the Bonus Commission Report recommended that both be deducted. In para 9.11. of the Bonus Commission Report it is stated as follows:—"In the case of partnership concerns the tax to be deducted as a prior charge should be the aggregate of the tax payable by the partners on their shares of the profits from the concern as if it was their sole income plus the income tax and super tax payable by the firm." Section 6(c) of the Act says that any direct tax which the employer is liable to pay for the accounting year in respect of his income, profits and gains during that year is to be calculated subject to the provisions of Sec. 7 and allowed as a prior charge. Before the enactment of the Payment of Bonus Act the Supreme Court had occasion to consider the question in the case *Tulsidas Khimji and their workmen*, 1962 I LLJ 435. At page 441 of the report Sinha C.J. who delivered majority judgement in the case observed as follows:—

"It has been argued on behalf of the respondents that the amount of income-tax payable by the firm as such, viz. about Rs. 10,000 should be permissible deduction and not what each partner had to pay on his share of the profits, because it is the firm which is the employer and which can claim deduction under this head. But this contention cannot be pushed to its logical conclusion, because a firm is not a legal person within the meaning of the Industrial Disputes Act. It is the partners of the firm who are the employers. It is that fact that has to be taken into account in considering the question of income tax, even as in other matters like remuneration, etc., that is the amount of tax payable by each partner, qua the business of the firm, irrespective of their other sources of income or loss, because notional is quite different from the actual though not wholly dissociated from it. But the question still arises whether the registered-firm tax can also be added to the figure of income-tax arrived at by the process just indicated. In our opinion, it would not be right to give the employees the double benefit of granting deduction on the basis of income-tax payable by each partner in respect of his share in the profits of the firm, and at the same time adding the registered-firm tax, which is paid by the firm in order to obtain certain reliefs under the Income-tax Act, which they would not otherwise have obtained."

Thus the majority judgment was that the partners' tax but not the firm's tax should be allowed as a prior charge. Rajagopala Ayyangar, J. in his dissenting judgment took the view that both the partners' tax and the firm's tax should be allowed as prior charges. Shri Basu Thakur has referred to two decisions of Shri D. M. Aney, Presiding Officer of Industrial Tribunal, Maharashtra Bombay, viz. the award in Ref. (IT), No. 171 of 1967 (*Messrs Hercules Industries, Thana*

and their workmen) reported at page 4838 of Part 1 L of the Maharashtra Gazette of 23rd November, 1967, and an Award by the same Judge acting as Arbitrator in Reference (IC) No. 156 of 1966 (Miraj Taluka Girni Kamgar Sangh, Sangli and Marathe Textile Mills, Sangli) reported at page 2642 of Part 1L of Maharashtra Gazette of 22nd June, 1967. In both these cases Shri Aney referred to the decision of the Supreme Court mentioned above and pointed out that the observations of the Supreme Court were made when the question was still regulated by the Labour Appellate Tribunal Full Bench formula; and that at present the relevant law is contained in the Payment of Bonus Act, 1965. Shri Aney referred to the wording of Sec. 6(c) of the Payment of Bonus Act and interpreted the term 'employer' to mean both the partnership firm and the partners, in view of the definition of the term 'employer' in clause 14 of Sec. 2 under the Payment of Bonus Act. Sec. 182 of the Income Tax Act provides that in the case of a registered firm, after assessing the total income of the firm, the income tax payable by the firm shall be determined, and the share of each partner in the income of the firm shall be included in his total income and assessed to tax accordingly; and sub-section (4) of the section provides that the firm may retain out of the share of each partner in the income of the firm a sum not exceeding 30% thereof until such time as the partner has paid the tax on his share, and where the tax so levied cannot be recovered from the partner the firm shall be liable to pay the tax to the extent of the amount which was retained or could be retained. Thus the registered firm has a liability for the income tax payable by each partner for his share of the total income of the firm. The firm as an independent legal entity is the direct employer of the workmen but the rate of tax for a registered firm is much less than the rate of tax in the case of a company or even in the case of an individual. In the circumstances it is equitable that both the tax payable by the registered firm and the tax payable by the partners for their share of the income of the firm should be added as prior charge under the heading direct tax payable by the employer. In calculating the tax the minimum bonus payable i.e. 4% of the adjusted annual wage bill of the employees under the Act must be deducted in the first instance because in any case the minimum bonus is payable for the year in question. Thereafter the further deduction of income tax on the additional amount of bonus payable if any can be calculated.

7. On behalf of the unions it has been urged that in computing the firm's tax, surcharge should be calculated at 10 percent and not at 20 percent. According to the Finance Act the surcharge in respect of the firm's income has to be calculated at 10 percent only when at least 51 percent of the firm's income is professional income and it is to be 20% in all other cases. The work of the Calcutta Licensed Measurers is measurement or weightment of consignments of goods loaded or about to be loaded in ships for export. For the unions it has been urged that the weightment or measurement is done by measuring officers who select some random samples and have the actual measurement of weightment thereof done, and thereupon estimate the volume and the weight of the entire consignment. It has been urged that this requires long experience, and the measuring officers are therefore in the position of experts or professionals and that the charges on account of measurement or weightment are termed as fees, and therefore the income must be deemed to be professional income. I cannot however accept this argument. Although the measuring officers may need a certain amount of experience in choosing the random samples and determining the weight or the volume of the entire consignment, their work does not constitute a profession. The partnership deed describes the work as business. The income of the firm is therefore business income and the surcharge must be calculated at 20 per cent.

8. It has also been urged by the unions that a sum of Rs. 10,000/- added back as provision for contingencies must be excluded in the computation of the tax. This sum set aside for contingencies has however come out of the profit of the year; the unions have not objected to the same being added back to the net profit to determine the gross profit; there is no reason why the amount should not be included in the gross profit or income for the computation of the tax. The argument of the union on the point is negated.

9. As regards partners' remuneration for which the management has deducted Rs. 1,00,626, it has been urged by Shri K. K. Banerjee on behalf of the unions that no such amount should be allowed as a prior charge because the partnership deed, Ext. C, does not contain any provision for partners' remuneration, as distinguished from the share of the partners in the profits, and because there is no evidence that the two partners of Calcutta Licensed Measurers, namely the Bengal Chamber of Commerce and Industry and the Indian Chamber of Commerce are taking an active part in the conduct of the business of the firm. But clearly the Calcutta Licensed Measurers is managed jointly by the Chambers of Commerce who are the partners of the firm. The second proviso to item 5 of the

Third Schedule of the Payment of Bonus Act provides for allowing of the remuneration to the partners both in the case where the partnership agreement contains a provision for such remuneration and in the case where the partnership deed is silent on the point. Where the partnership deed makes no express provision for remuneration to the partners, 25% of the gross profit after deducting the depreciation calculated according to the income tax Act is to be allowed by way of remuneration to all the partners. This is the sum which has been claimed by the management as partners' remuneration. Accordingly the objection to that item of prior charge must be negatived.

10. Lastly, as to return on capital, the claim of the union is that the return should be calculated on the sum of Rs. 8 lakhs which is the admitted capital of the firm and not on the additional sum of Rs. 1,59,236/- which is only a share of the profit of the partners which has been allowed to remain in the partners' current account with the firm. I do not think that the credit balance in the partners' current accounts with firm representing their undrawn profit can be regarded as the capital of the firm, even though the money may be utilised from time to time for the current business of the firm. In the case, Hercules Industries and their workmen decided by Shri Aney to which reference has been made above, Shri Aney disallowed the claim of return at 8.5% on an additional sum which had been invested by the partners as distinguished from the original capital. In the present case also I think that the return at 8.5% should be allowed on the original capital. The undrawn credit balance in the partners' current account does not even correspond to the reserve fund of a company, and I must hold that no return is payable on such credit balance.

11. The following computation of allocable surplus results from the findings made above:—

Computation of Gross profit and allocable Surplus for the accounting year 1965-66.

	Rs.
1. Net Profit as per Profit & Loss Account	2,20,561
2. (a) Provision for Bonus . . . . .	..
(b) Provision for Depreciation	59,733
(c) Provision for Direct Tax	42,000
(d) Provision for any other Reserve : Contingencies	108,288
	<u>2,20,021</u>
	4,40,582
<i>Deduct :</i>	
(a) Depreciation admissible under provision of Income-tax Act . . . . .	.. 38,078
	<u>4,02,504</u>
(b) Development Rebate . . . . .	..
(c) <i>Direct taxes :</i>	
(i) Firm's taxation	44,750
(ii) Partners' taxation	160,564
(d) Return on capital at 8.5 % 800,000	68,000
(e) Remuneration to Working Partners	100,626
	<u>3,73,940</u>
	28,546
Available Surplus	28,546
60% (Allocable Surplus)	17,138.40

Computation of Tax on the Basis of payment of Minimum Bonus

Gross Profit as computed above	4,02,504
Minimum bonus (4% of Adjusted Wage Bill of employees under the Act 16,45,500 vide Ext. F)	65,820
	<u>3,36,684</u>
Firm's tax on 336,684	33,902
Surcharge @ 20%	6,780
	<u>40,682</u>
Spl. Surcharge @ 10 %	4,068
	<u>44,750</u>
	44,750
Partners' tax on 336,864 less 44,750 (291,934) at 55%	1,60,564

The allocable surplus thus works out at Rs. 17,138.40 which is much less than the minimum bonus assumed for the purpose of computation of tax, which is Rs. 65,820/-. It is therefore clear that the employees are not entitled to anything but the minimum bonus, as the allocable surplus is less than even minimum bonus.

12. Though the unions have not urged the point before me, it might be considered equitable that if the partners' tax is allowed as a prior charge, the partners' remuneration allowable under the Payment of Bonus Act should not be tax-free, but should be allowed less the proportionate share of partners' tax; or what amounts to the same thing, the remuneration should be deducted before the computation and deduction of partners' tax. If this view is adopted, the computation of the allocable surplus works out as follows:—

	Rs.
Gross Profit less depreciation	4,02,504
Firm's taxation	44,750
Partners' remuneration	100,626
	<hr/> 2,57,128
Partners' tax on 191,308 (257,128 less 65,820).	105,219
Return on capital	68,000
	<hr/> 1,73,219
Available Surplus	83,909
Allocable surplus (60% of Available Surplus)	50,345

Even on this computation the allocable surplus works out at less than the minimum, Rs. 65,820. In any case, therefore, no more than the minimum bonus can be claimed by the employees.

13. My award therefore is that the allocable surplus for the accounting year 1965-66 works out at less than the minimum Statutory bonus and therefore the employees are not entitled to any bonus in excess of the bonus already paid out.

(Sd.) S. K. SEN,
Presiding Officer.

Dated,
22nd December, 1967.

[No. 28(13)/67-LRIIL.]

S.O. 175.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to Messrs Karam Chand Thapper and Brothers (Coal Sales) Limited, Madras and their workmen which was received by the Central Government on 28th December, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Thursday the 30th day of November 1967

(9th day of Agrahayana, 1889—Saka)

PRESENT:

Thiru M. Tajammul Hussain, B.A., B.L., Industrial Tribunal.
Industrial Dispute No. 27 of 1947.
(Central Government reference)

[In the matter of the dispute between the Workmen and the Management of M/s. Karam Chand Thapper and Brothers (Coal Sales) Limited, Madras]

BETWEEN:

The General Secretary, Madras Port and Dock Workers Congress, 11, Phillips Street, Madras.

AND

The General Manager, M/s. Karam Chand Thapper and Brothers (Coal Sales) Limited, Safaiya Chambers, 7, II Line Beach, Madras-1.

REFERENCE:

Order of the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Government of India, (No. 28(8)/67-LR-III) dt. 18-3-67.

This dispute coming on for final hearing on Friday the 17th day of November 1967 upon perusing the reference, claim and counter statements and all other material papers on record and the parties having filed the joint Memo. for the work furnished out by Shriyuts and upon hearing the arguments of Thiru Ranga-vajjula. K, Advocate for the Management and of Thiru S. M. Narayanan, General Secretary of the Workmen, and the dispute having stood over till this day for consideration, the Tribunal made the following.

AWARD

This is a reference by the Central Government and the matter referred to this tribunal for adjudication is set out in the schedule to the reference and it is as follows:—

2. "Whether the monthly paid workers employed by Messrs Karamchand Thapper and Brothers (Coal Sales) Limited, "Safaiya Chambers", 7, Second Line Beach, Madras-1 in the coal sales depot in the Madras Harbour premises are entitled to the benefits accruing from the interim recommendations of the Wage Board for Port and Dock Workers vide Government of India Ministry of Labour & Employment Resolutions No. WB-21(13)/65 dated 27th April 1965, WB-21(14)/66 dated the 19th October, 1966 and No. WB-21(36)/65 dated the 16th July 1966."

3. The Union representing the Workmen have filed a claim statement. The present dispute relates to the non-implementation of the recommendations of the Central Wage Board for Port & Dock Workers. The Central Wage Board recommended payment of an interim relief at Rs. 7-80 per month or Re. 0-30 per day to all categories of employees with effect from 1st February 1965. The interim relief was recommended to be treated as neither part of basic wages nor as part of Dearness allowance till the final recommendation of the Board are made available. The Central Wage Board had given a second interim increase at the rate of Rs. 4/- per month or Re. 0-15 P. per day for all, whether they are daily-rated or monthly paid. This second interim increase is to take effect from 1st August, 1966.

4. The Board also recommended that the employees should be paid increase in dearness allowance in the future as and when Central Government grants increases in dearness allowance to its employees. The Government of India has increased the dearness allowance payable to its employees from time to time. The notifications are given in Annexures III, IV and V of the claim statement. Wage Board's recommendations are given in Annexures I and II of the claim statement. The workers on behalf of whom the claim is made are working in the Madras Harbour and according to the claim statement they are entitled to all the benefits recommended by the wage Board as set out in Annexure VI of the claim statement. Extract of notification No. S.O. 1540 dated 20th June 1961 is also given in Annexure VI. Dock is defined there as follows:

5. "Dock means any dock, wharf or quay and shall include any warehouse or store place belonging to owners, trustees or conservators of, and situated in or in the vicinity of, the dock, wharf or quay and any railway line or siding or used in connection with the dock, wharf or quay but not forming part of a State Railway."

6. The workers want the management to pay the increased dearness allowance from the dates on which they fell due to be implemented and also the two interim increases given by the Wage Board from the dates from which they were due to the workmen together with costs.

7. The management filed a counter statement. According to that statement the workers of the management working inside the Harbour are not 'Dock Workers' as defined under the 'Dock Workers' (Regulation of Employment) Act, 1948 and that they do not come under category A to E of the Wage Board Recommendations. The claim of the workers is not maintainable.

8. Parties filed a memorandum setting out the work done by the workers concerned in this reference. As no evidence has been adduced by the parties it is necessary to set out the terms of memo in full. According to the memo the work turned out by (1) Chandran (2) Sharma (3) Dawood (4) Sridharan, Clerks and (5) Paul, Supervisor, (6) Doraiswamy, Watchman (now retired) and 3 (three) watchmen is as follows:—

(1) The clerk Chandran dealt with the correspondence with reference to the bill of entry and other shipping document.

(2) The unloading of coal from the ships is done by the Stevedores who are not employees of the respondent.

(3) Chandran places bulk indent with the Madras Port Trust for wagons for removal of coal from ship side.

(4) The coal is transported from the ship side to the respondent's dump in the Harbour area by Western Agencies, independent contractors and supervised by respondent's clerks who keep an account of the quantity of coal unloaded.

(5) From the dumps the coal is taken away by buyers who bring their vehicles and coolies but the respondent's employees supervise the loading according to the delivery orders issued by the respondent and give delivery.

(6) All these aforesaid employees of the respondent work within the harbour area at the dump of the respondents taken on lease by the respondents from the Madras Port Trust.

9. The contention of the respondent is that the workers of the management working inside the Harbour are not Dock workers and are not entitled to any of the benefits claimed.

10. Dock workers are defined in Section 2(b) of the Dock Workers (Regulation of Employment) Act, 1948. "Dock Worker" means a person employed or to be employed in or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of a cargoes or leaving port.

11. According to the memo filed, the clerk Chandran deals with correspondence relating to the bill of entry and other shipping documents. The coal is transported from the ship side to the respondent's dump in the Harbour area and supervised by the respondent's clerks who keep an account of the quantity of coal unloaded.

12. According to the management, from the dumps the coal is taken away by buyers who bring their vehicles and coolies, but the respondent's employees supervise the loading according to the delivery orders issued by the respondent. All the clerks of the respondent are dock workers, according to section 2(b) of the Dock Workers (Regulation of Employment) Act, 1948, and they are entitled to the benefits of dearness allowance and interim relief recommended by the Central Wage Board, as claimed in the Claim statement. The three Watchmen who keep only watch of the coal dump are not dock workers within the according of Section 2(b) of the Dock Workers (Regulation of Employment) Act and are not entitled to any relief. The watchman who has retired is, for the same reason, not entitled to any relief.

13. My finding on the issue is that the monthly paid clerks employed by Messrs Karam Chand Thapper and Brothers, (Coal Sales) Limited, "Safaiya Chambers", 7, Second Line Beach, Madras-1, in their coal sales depot in the Madras Harbour Premises are entitled to the benefits accruing from the interim recommendations of the Wage Board for Port and Dock Workers vide Government of India, Ministry of Labour Employment resolutions No. WB-21 (13)/65 dated 27th April, 1965, WB-21 (14)/66, dated the 19th October, 1966 and No. WB-21 (36)/65, dated the 16th July, 1966 and the watchmen who keep watch of the coal in the coal dump are not entitled to any of the benefits.

14. An award is passed in terms of my above finding. Parties are directed to bear their own costs.

List of documents marked as exhibits and Witnesses examined by the both parties:—Nil.

Sd/- M. TAJAMMUL HUSSAIN,
Industrial Tribunal.

[No. 28(8)/67-LRIII.]

New Delhi, the 4th January 1968

S.O. 176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Calcutta, in the Industrial Dispute between the employers in relation to the Norwich Union Fire Insurance Society Limited, the Scottish Union and National Insurance Company and the Maritime Insurance Company Limited, Calcutta and their workmen, which was received by the Central Government on 28th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 80 OF 1967

PARTIES:

Employers in relation to the Norwich Union Fire Insurance Society Limited, the Scottish Union and National Insurance Company and the Maritime Insurance Company Limited, Calcutta,

AND

Their workmen.

PRESENT:

Shri S. K. Sen.—*Presiding Officer.*

APPEARANCES:

On behalf of Employers.—Mr. J. Corsil—Manager, with Mr. A. D. Hill—Asstt., Manager.

On behalf of Workmen.—Shri Atul Kundu, Secretary, Shri Promode Ranjan Banerjee, President, and Shri Samaresh Sarkar, Asstt., Secretary.

STATE: West Bengal.

INDUSTRY: Insurance.

AWARD

By Order No. 70/11/67-LRIII dated 20th October, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Norwich Union Fire Insurance Society Limited, the Scottish Union and National Insurance Company and the Maritime Insurance Company Limited, Calcutta, and their workmen in respect of the matter specified in the following schedule:

“Whether the demand of the workmen of the Norwich Union Fire Insurance Society Limited, the Scottish Union and National Insurance Company and the Maritime Insurance Company Limited, Calcutta for introduction of a Gratuity Scheme is justified? If so, to what relief are the workmen entitled?”

2. The dispute arose out of the demand of the workmen of the three companies for introduction of a gratuity scheme. The companies have now adopted a scheme for gratuity which has been accepted by the union representing the workmen and the parties have appeared and filed a joint petition embodying the terms of settlement including the details of the gratuity scheme.

3. An award is therefore made in terms of the joint petition of settlement including the annexure embodying the terms, a copy of which shall form part of the award.

Dated, 21st December, 1967.

Sd./- S. K. SEN,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 80 OF 1967

Messrs. Norwich Union Fire Insurance Society Ltd., Scottish Union and National Insurance Co., and Maritime Insurance Co., Ltd.

AND

Their Workmen represented by Scottish and Norwich and Maritime Group Insurance Employees Union, Calcutta.

Humble petition of the parties abovenamed, most respectfully sheweth:—

That the parties have settled their dispute before this Tribunal in the terms referred to in Annexure “A”.

Under the circumstance your lordship may kindly dispose of the matter in terms of the said agreement.

And for this act of kindness shall pray.

Filed by

Filed by

Sd./- ATUL KUNDU,

Sd./- J. CORSIL,

Secretary, Scottish & Norwich &
Maritime Group Insurance
Employees' Union, 6, Lyons
Range, Calcutta.

Manager for India, Norwich Union
Fire Insurance Society Ltd.,
Scottish Union & National
Insurance Co., Maritime In-
surance Company Limited, 6,
Lyons Range, Calcutta.

Dated: 20th December, 1967.

Dated: 20th December, 1967.

ANNEXURE "A"

An industrial dispute between Norwich Union Fire Insurance Society Limited, The Scottish Union and National Insurance Company and The Maritime Insurance Company Limited, Calcutta, and their Workmen having been referred to the Central Government Industrial Tribunal at Calcutta by an order of the Government of India, Department of Labour No. 80/67/1404 dated 30th October, 1967, Reference No. 80 of 1967, for determination of the claims of Gratuity of the Workmen of Norwich Union Fire Insurance Society Limited, the Scottish Union and National Insurance Company and The Maritime Insurance Company Limited, the parties after mutual discussion have arrived at the following terms in the interest of industrial peace and harmony in full and final settlement of the said dispute.

1. *Gratuitu:*

A Gratuity shall be paid to all permanent members of the Clerical and Sub-ordinate Staff (excluding part-time or temporary employees) subject in all cases to a maximum of 15 months' last Basic Salary, at the following rates:—

- (a) On normal retirement on reaching the age of superannuation, or at death, or on permanent total incapacity—at the rate of one month's last Basic Salary for every year of service completed with the Company.
- (b) Subject to an employee completing 10 years of service with the Company, on voluntary retirement, resignation or retrenchment (where retrenchment compensation is payable under the Industrial Disputes Act)—at the rate of $\frac{1}{2}$ month's Basic Salary for every completed year of service with the Company.
- (c) No gratuity will be paid to an employee who is dismissed for misconduct.
- (d) On termination of service by the Company for any other reason not specifically provided for above—at the rate of 1 month's last Basic Salary for every completed year of service with the Company.

NOTE.—Any Gratuity payable under the above Rules plus the total amount to which the employee is entitled under the Provident Fund and (where now applicable) any additional benefit guaranteed in writing, by the Company under any previous Award or Agreement which has not subsequently been superseded or withdrawn, shall be the total retiral benefits payable by the Company and there will be no other form of retrospective adjustments.

2. That in consideration of the above, the Workmen agree to a Provident Fund Contribution of 10 per cent of the Basic Salary per month from the Companies, as Employers, and 15 per cent from the Workmen, as Members, of which 10 per cent shall be a compulsory contribution and 5 per cent voluntary contribution, subject to there being no legal, financial, or other impediment to such an arrangement.

3. That the parties agree to continue the benefits of the Life Assurance Scheme, as before, in the case of all existing Workmen.

4. That the Companies shall have the unquestionable right to consider each case individually as to the extension of the said "Life Assurance Scheme" to any new Workman who may be employed at a future date.

5. That the Agreement shall come into effect immediately, it being understood that should any Workmen be due for retirement or become subject to any of the provisos mentioned in Clause 1 above prior to the revision of the Provident Fund

Rules, then the Companies' liability shall be subject to retrospective adjustment of Provident Fund Contributions.

6. That the parties agree that in the event of any revision in the Scheme of Gratuity or Provident Fund or Pension in favour of the Workmen by operation of Law or Agreement in the General Insurance Industry in Calcutta, the same shall be applied by the Companies notwithstanding this Agreement.

On behalf of the Workmen.

On behalf of the Emp'oyers.

(1) Sd./- ATUL KUNDU,

1. Sd./- J. CORSIL,

(2) Sd./- PROMODE RANJAN BANERJEE. 2. Sd./- A. D. HILL.

Dated: 20th December, 1967.

Dated: 20th December, 1967.

Scottish & Norwich & Maritime Group
Insurance Emp'oyees Union.

For and on behalf of the Scottish
Union & National Ins., Co.

[No. 70/11/67/LR.III.]

S.O. 177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Allahabad, in the Industrial Dispute between the employers in relation to the Punjab National Bank Limited and their workmen, which was received by the Central Government on 29th December, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) UTTAR PRADESH

Dated: Allahabad, December 20, 1967

PRESENT:

Shri Mithan Lal, Presiding Officer.

CENTRAL CASE No. 1 OF 1967

BETWEEN:

The Punjab National Bank, New Delhi

AND

Its workman Sri Kishori Lal Tandon.

APPEARANCES:

For the Employers.—Sri M. K. Jain, 2. Sri B. Sharma, Authorised Representatives.

For the Workman.—Sri P. B. Gupta, Authorised Representative.

INDUSTRY: Banking

DISTRICT: Kanpur.

AWARD

The Central Government by notification No 51/1/67/LR.III dated 27th April 1967, referred the following industrial dispute under Clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947) for adjudication to this Tribunal:

“Whether having regard to the terms of the Staff Department, Circular No. 561 dated the 3rd March, 1964, the management of the Punjab National Bank is justified in granting only two marks for the purposes of seniority of Shri Kishori Lal Tandon, Clerk in the Generalganj Branch, Kanpur in so far as he had been given a starting salary of Rs. 97/- per mensem in the then existing scale and paid at that rate for one full year? If not, to what relief is he entitled?

The dispute relates to an individual workman Sri Kishori Lal Tandon working as Clerk in Generalganj Branch of the Punjab National Bank at Kanpur. It is limited in the sense that it requires investigation of the justification or otherwise in granting only two marks for the purposes of seniority both having regard to the starting salary of Rs. 97/- given to Sri Kishori Lal Tandon as well as the terms of the Bank Circular No. 561 dated 3rd March 1964.

It is admitted to the parties that Kishori Lal Tandon was originally in the employment of Bharat Bank. He was taken over by the Punjab National Bank as a clerk on 12th March 1951 at a starting salary of Rs. 97/- per month. The appointment letter Ex. E/18 was issued. The salary and other allowances mentioned in para 1 "were subject to variation in terms of any revision of this by the Bank authorities or in accordance with the provisions of any law". A year or so after sometime in May 1952 the basic salary of Sri Kishori Lal was revised to Rs. 92/- but his total emoluments of Rs. 136-8-0 which he was getting at the time of appointment were protected by adding bonus and some adjustable allowances. It is also not disputed before me that at the time Kishori Lal was appointed Sen award was applicable to the Banking Industry.

It may be mentioned at the very outset that the Central Government at first constituted an Industrial Tribunal consisting of three Judges presided over by Sri K. C. Sen sometime in 1949. The various disputes relating to the banking industry were referred to the said Tribunal. That Tribunal made its award which was published in Gazette of India dated 12th August 1950. This is popularly known as Sen award. The said award was held to be void by the Hon'ble Supreme Court on the ground of jurisdiction in a special appeal sometime in April 1951. This caused a fresh strain in the relations between the Bank and their employees. The Central Government was thus obliged to pass the Industrial Disputes (Amendment and Temporary Provisions) Act of 1951, Act XL of 1951 freezing the pay scales of bank employees in terms of the Sen award. Thereafter Sastri Tribunal was constituted. Sastri award was followed by Desai award and thereafter some bi-partite settlements took place. It has become necessary to make a reference to the aforementioned awards because of the pleadings and arguments of the parties.

The case of the workmen is that as Kishori Lal was appointed at the starting salary of Rs. 97/- per month, it must be deemed that he was given a start of three grade increments in Sen scale at the time of his appointment. The subsequent adjustments which were made under the Sastri award or Desai award or the bi-partite settlements took into consideration his initial salary of Rs. 97/- in making adjustments. For purposes of promotion, the Bank issued a staff Department Circular No. 561 dated 3rd March 1964 to determine the seniority for purposes of promotion. According to the said circular a priority list was prepared but the bank committed a mistake in granting two marks instead of three for higher initial start as contemplated by Para. 1(c) of the Bank's circular. This resulted in making Kishori Lal Tandon junior by one mark and marred his chances of officiating in temporary arrangements.

It has been prayed that the Bank be directed to give one more mark to Kishori Lal Tandon and determine his seniority. The loss suffered by Kishori Lal by having been deprived of officiating chances should also be made good by the Bank.

The Bank contests the claim of the workman both on preliminary grounds as well as on merits. On preliminary grounds it is alleged that the dispute is not an industrial dispute but merely an individual dispute, that it has not been taken up by an appreciable number of workmen and that the cause has not been properly espoused. On merit it is stated that Kishori Lal was entitled to only two priority marks and not three. The initial salary of Kishori Lal at Rs. 97/- was provisionally fixed which was rightly revised by the Bank at Rs. 92/- with the date of appointment. The Bank has contradicted the calculations made by the workmen in para 9 and has given its own calculations of the manner in which the salary of Kishori Lal has been adjusted under the various awards. It has also been alleged that the workmen have no right to reopen the adjustments already made.

From the pleadings of the parties the following further issues were framed:—

1. Whether the dispute is not an industrial dispute because—

- (a) No resolution of espousal has been passed by the Union, or
Was it not necessary to pass such a resolution in view of para. 17 of the Constitution of the Union;
- (b) the written statement on behalf of Sri K. L. Tandon has been signed by the Secretary of the Kanpur unit though it should have been signed by an authorised representative of the U.P. Bank Employees Union;

(c) there is no proper representation of Sri K. L. Tandon in this case.

Findings

Issue 1(b) and (c).—Sri M. K. Jain did not press the plea contained in these issues. The written statement has been signed on behalf of the workman by Sri J. D. Misra as Secretary of the U.P. Bank Employees Union. Certificate Ex. W/9 goes to show that Sri J. D. Misra was a member of a Central Executive Committee of the U.P. Bank Employees Union and not the Secretary on the date he signed the written statement of the claim. The workman has been represented in the proceedings by Sri P. B. Gupta who is the Joint Secretary of the State Branch and has been authorised to appear on behalf of Kishori Lal Tandon on the basis of authority issued by Sri J. D. Misra. It is true that Sri J. D. Misra should not have described himself as Secretary of the Union when he was merely a member of the Executive but all the same he being an office bearer of the Union could sign the written statement and also authorise the Joint Secretary of the State Branch to represent Kishori Lal Tandon before the Tribunal. In any case the defect which has been pointed out is merely an irregularity.

Issue No. 1(a).—The dispute is essentially individual dispute in as much as it relates to a single employee of General Ganj, Kanpur Branch of the Bank. It is now well settled that an individual dispute as distinguished from a collective dispute, and is excluded from the purview of the Industrial Disputes Act. Such a dispute can acquire the character of a collective dispute in case it has been espoused by the union or is supported by a substantial number of workmen who are directly and substantially interested in the dispute. I am also alive to the fact that there is a proposal for the amendment of the Central Act for including individual disputes within the ambit of the Act. But as long as the proposed amendment does not take the shape of law individual disputes cannot become industrial disputes and the legal position as laid down by the Hon'ble Supreme Court in the case of "Hindu" and subsequent cases, holds good. It was therefore for the workmen to establish that this individual dispute had become a collective dispute, for any of the aforesaid two reasons. The workmen have not produced any evidence in support of either of the two.

It may also be remarked that ordinarily the question of burden of proof is not attached any importance in industrial disputes but in a case where the employers have challenged the jurisdiction of the Tribunal on the ground that the dispute is not an industrial dispute and is merely an individual dispute it is for the union to show that the cause has been properly sponsored either because a substantial number of workmen were interested in the dispute or because the Union was approached to take up the dispute. The workmen had, therefore, to produce the relevant documents. The employers also summoned six documents per application paper No. 10-A. The Tribunal also gave directions to produce the said documents. The workmen had filed the Constitution of the Union per Ex. W/3, application of Sri Kishori Lal Tandon for membership per Ex. W/6, copy of certificate of registration per Ex. W/4 and a copy of the annual return per Ex. W/5 but they neither filed the counter-foil receipts of the subscription paid by Sri Tandon nor the proceedings book of the meeting of the Union in which the cause was sponsored. For the payment of subscription the workmen filed a certificate from the Bank itself per Ex. W/7 to show that the subscription of the Union payable by Sri Kishori Lal Tandon was being deducted from his monthly salary. That certificate also shows that some other employees of the Branch are members of the Union. These documents only prove that the Union is a registered union operating in the Banks and some of the employees of the General Ganj, Kanpur Branch are also members of the union. These documents do not show the total number of employees in the said branch and how many of them are members of the union. They also do not show that a substantial number of workmen were directly and substantially interested in the dispute. There is also nothing to show that the cause was sponsored by the Union at the instance of the workman concerned or a substantial number of workmen interested in the dispute. The representative of the workmen made a statement as recorded in the proceedings dated 22nd September 1967 that there was no resolution for sponsoring the dispute and that such a resolution was not necessary to be passed for espousal of the cause in view of para. 17 of the Constitution of the Union. This stand is not quite correct.

Para. 17(a) and (d) of the Union Constitution Ex. W/3, only lays down that any member having a grievance in connection with his employment may refer his complaint at the unit office in writing and if the complaint is not rejected

the Secretary shall "take steps to have all complaints promptly and properly investigated and grievance redressed". These are the only two clauses which have been relied upon on behalf of the workmen but they do not justify the *suo moto* sponsoring of dispute. The dispute has to be raised by making a complaint by the workmen. If there is any such complaint it has not been filed. The complaint has also to be investigated by the Secretary and it is only thereafter that steps for redressing the grievance are to be taken. There is no evidence to show that the Secretary investigated the claim and that the industrial dispute was raised as a step towards redressing the grievance.

The workmen have also not produced any oral evidence in the case in order to fill the lacuna. From the material as it exists on record, it cannot be said that the present individual dispute acquired the character of a collective dispute. My attention has also been drawn to an award given by my learned predecessor in respect of Mathura branch published in the Gazette of India dated January 4, 1964, of this very Bank. That was a case in which the workmen proved that a substantial number of employees i.e. 24 to 26 out of 35 were members of the union. The membership register was also produced in that case as also the resolution of the espousal of the cause. It cannot be denied that the U.P. Bank Employees' Union is operating in the Punjab National Bank but that by itself does not make the Union competent to raise the dispute in the absence of the evidence pointed out above.

In view of the above it cannot be said that there has been proper espousal of the cause. This, however, has not much importance as the workmen have no case on merit.

Matter of dispute.—It is an admitted fact that the Bank granted only two priority marks to Kishori Lal Tandon for purposes of seniority and it was on the basis of the revision of his starting salary from Rs. 97/- to 92/- about 14 months and after his appointment. The questions which arise are—

- (1) Whether the starting salary of Rs. 97/- given to Kishori Lal Tandon on his appointment on 12th March 1951 was provisionally fixed and the Bank had a right to revise that salary subsequently?
- (2) Whether in view of the sub-para. (c) of Para 1 of Bank's Staff Department Circular No. 561 dated March 3, 1964, what is the amount of higher initial start given to Sri Tandon on his appointment and what would be the number of priority marks by splitting the said amount, whether two or three?

So far as point No. 1 goes it is evident from the papers on record that the salary of Rs. 97/- given to Sri Tandon on his appointment was provisionally fixed. It is further clear from the letter of appointment that the substantive salary and allowances which were given to Sri Tandon were subject to variation and revision by the Bank authorities on their own motion or in accordance with the provisions of any law. Para. 1 of the appointment letter Ex. E/18 clearly lays down—

"Your monthly substantive salary will be Rs. 97/- plus the following allowances which will be subject to variation in terms of any revision of these by the Bank authorities or in accordance with the provisions of any law".

If the intention had been to fix the salary and/or the allowances of Sri Tandon finally such a paragraph would not have been embodied in the letter of appointment. There was the further reason for provisional fixation of the salary because Sri Tandon was formerly an employee of Bharat Bank and was taken over by the Punjab National Bank and his salary had to be fixed on the basis of what he was drawing in that Bank.

Soon after the appointment of Kishori Lal, correspondence was made with Bharat Bank in relation to the appointment of Kishori Lal. Letters Ex. E/11 dated 28th June 1951, Ex. E/3 dated 26th October 1951 and Ex. E/10 dated 29th October 1951 show the same. Total emoluments drawn by Kishori Lal was communicated in the last letter Ex. E/10. Ex. E/12 is a sample form for fixation of salaries of the employees taken over from the Bharat Bank. The only purpose of finding out the salary of Kishori Lal drawn from the Bharat Bank was to take a final decision in respect of his salary.

After his appointment Kishori Lal was also asked to deposit a cash security and it is evident from paper Ex. E/4 dated 28th June 1951 that the security demanded was of Rs. 97/-, ("provisional") salary for one month. It is clear from

the above documents that the starting salary of Rs. 97/- given to Kishori Lal was provisionally fixed. The bank had also reserved the right of revision of salary in the very letter of appointment of Kishori Lal.

The salary register Ex. E/1 and E/2 further go to show that the starting salary of Rs. 97/- which was given to Kishori Lal was later on revised in May 1952 to Rs. 92/-. This is also clear from the certificate of wages filed by the workmen per Ex. W/2. On the basis of the revision of salary adjustment in the Provident Fund of Kishori Lal was also made and the higher amount realised from him was adjusted after revision of his salary. This is clear from the papers Exs. E/19 and E/20. There is thus no doubt that the starting salary of Sri Tandon was provisionally fixed and the Bank had also a right to revise it and it was rightly revised from Rs. 97/- to Rs. 92/- with effect from the date of appointment. The consequence of the revision is that on appointment of Kishori Lal Tandon his starting salary should be taken to have been fixed at Rs. 92/- and not at Rs. 97/-.

The above view further finds support from the subsequent adjustments in the workman's salary under the subsequent awards. The manner of adjustment given by the workmen in Sub Para. (1) to (4) of Para. 9 of their written statement is obviously faulty particularly Paras. (1) and (2). What is, however admitted in Sub para. (2) of Para. 9 is that after the Sastry award the salary of Kishori Lal Tandon was adjusted at Rs. 119/- on 12th March 1956. This is also admitted to the employers in Para. 9 of their reply to the statement of claim. The question is how this figure of Rs. 119/- was arrived at in making the said adjustment. It may be stated here that according to both the parties this adjustment was correctly made and cannot be reopened.

The manner of adjustment in the new pay scales of Sastry award has been provided for in Chapter XIII. Kishori Lal having joined the services of the Bank after 31st January 1950 he is governed by Sec. III i.e. sub para (7) of Para 292 of Sastry award. The workman had to be fitted in the new scale of pay on point to point basis. Under Sub para (11) and (12) of Para. 292 as amended by the subsequent L.A.T. award (para. 170 page 95) the workman was allowed to draw his emoluments at the existing rates for service upto and inclusive of 31st March 1954 while the adjustment of pay under sub para. (7) above was to have effect from 1st April 1954.

When Kishori Lal Tandon was appointed Sen award was prevailing and even though that award was declared void by the Supreme Court the salaries paid to the Bank employees under Sen award were freeze, as stated in the opening portion of this award. Kishori Lal was appointed or should be deemed to have been appointed at a salary of Rs. 92 with effect from 12th March, 1951. His salary after one year was Rs. 97, after two years Rs. 102 and after three years i.e. with effect from 12th March, 1954 Rs. 107. Since fractions are to be ignored his salary was fixed or would be deemed to have been fixed at Rs. 106 with effect from 1st April, 1954, under sub-para (7) read with sub-para. (11) and (12) of para. 292 of Sastry award. Later on his salary was adjusted as per provisions of Desai Award and bi-partite settlements. Under the said Desai award and bi-partite settlements, the basic pay of Kishori Lal when modified Sastry award came into operation with effect from 1st April, 1954, would be as follows:

Starting basic pay in Area II	.. Rs. 77
Add Rs. 10 of better start originally given	... Rs. 10
	<u>Rs. 87</u>
This has to be rounded off in the next higher stage of the scale	.. Rs. 90
After adding three increments for the years 1952, 1953 and 1954 (i.e. 5 + 5 + 5 = 15)	... Rs. 10
	<u>Total comes to ... Rs. 106</u>

He drew to other increments, one on 12th March, 1955 and another on 12th March, 1956 in the sum of Rs. 13 and so his basic salary on 12th March, 1956 comes to Rs. 119.

The workmen have given a faulty calculation after admitting that the adjusted salary of Kishori Lal on 12th March, 1956 was Rs. 119. After adjustment is made

on the basis of three better start of Rs. 15 Kishori Lal's salary on 12th March, 1956 would amount to Rs. 124 as below:—

Starting salary	... Rs. 77
Add for three better start	... Rs. 15
	.. Rs. 92
Rounding off in the next higher stage	.. Rs. 96
Adding three increments for 1952, 1953 and 1954 (5+5+6=16).	Rs. 16
	.. Rs. 111

After adding two increments falling due on 12th March, 1955 and 12th March, 1956 in the sum of Rs. 13 the total comes to Rs. 124

This will show that not only that the manner of adjustment shown by the workmen is faulty but it will also show that if three better start are taken to have been given to Kishori Lal the adjusted salary on 12th March, 1956 would have come to Rs. 124 and not Rs. 119. The very admission of the workmen that adjusted salary on 12th March, 1956 was Rs. 119 shows that Kishori Lal was given a benefit of only two better start and not three better start.

Sri P. B. Gupta representative of the workmen when confronted by the above calculation could not rebut it and the only answer he gave was that Kishori Lal having been given a starting salary of Rs. 97 though it may have been revised subsequently should be given the better start of three years' notional service and not two years' notional service. I am unable to agree with him. Because what is required under the Bank Staff Department Circular is not the notional service but actually the splitting up of the amount of higher start into normal rate of increment admissible at the relevant time and then finding out the years. In this case Kishori Lal's starting salary will have to be taken at Rs. 92 and not Rs. 97 i.e. higher start of Rs. 10 over the prevailing Sen award salary scale at that time. His amount of annual increment was Rs. 5. The amount of Rs. 10 has to be split up for purposes of the priority marks and it will give a better start of only two years and not three years, i.e. two priority marks and not three.

There is the further admission of Kishori Lal Tandon in his representation Ex. E/4 about his basic salary of Rs. 92. That representation was made against giving him two priority marks. He did not state that three priority marks should be given to him as his starting salary was fixed at Rs. 97 but what he stated was that his starting salary should be taken to be Rs. 92 plus Rs. 1-14-0 given as adjustable allowance plus Rs. 5-2-0 as bonus. The total of the three comes to Rs. 99. It was on this ground that he desired the Bank to give him three priority marks instead of two.

The Bank has filed confidential reports of Kishori Lal Tandon from 1957 to 1959 per Ex. E/13 to Ex. E/17. Ex. E/13 is important inasmuch as it shows that his basic salary on 12th March, 1956 was fixed at Rs. 119 which is the amount arrived at by giving a starting salary of Rs. 92 and not Rs. 97 as already stated.

Another important fact which cannot be ignored is that Kishori Lal Tandon made no representation to the Bank after his salary was revised and reduced from Rs. 97 to Rs. 92 in May, 1952. The only representation made by him is Ex. E/8. In that representation he claimed three priority marks instead of two but on a totally different ground. He did not claim three priority marks because his basic salary was fixed at Rs. 97 but on the ground that it should be deemed to be Rs. 99 after adding the amount of bonus and adjustable allowance. The present stand taken by the workman is quite inconsistent with his former representation.

Sri P. B. Gupta representative of the workmen also contended that total emoluments of Kishori Lal Tandon, which he was drawing from Bharat Bank having been protected on his appointment in Punjab National Bank even after reducing his starting salary the amount of bonus atleast which was added to make up the total, should be treated to be part of the basic wage. This argument cannot be accepted because total emoluments of the workmen taken over from Bharat Bank had to be protected on account of the statement made on behalf of the Bank in the dispute between the Bank and its workmen taken over from Bharat Bank. The award which was given by the Tribunal protected the total emoluments. This award was also confirmed by the Supreme Court in the case reported in 1963-1-LLJ p. 259. The total amount drawn by Kishori Lal Tandon from Bharat Bank as shown by Ex. E/10 had to be paid to him and consequently the amount of bonus

was added. In any case payment of the total emoluments drawn by the workman from Bharat Bank after his appointment in this Bank cannot go to the disadvantage of the Bank.

It must, therefore, be held that the starting salary of Rs. 97 of Kishori Lal Tandon was provisionally fixed. The Bank had a right to revise it. After revision it shall be deemed that his starting salary was Rs. 92 per month.

As regards point No. 2 the Staff Department Circular No. 561, dated 3rd March, 1964 lays down certain principles for counting the length of service in para. 1 of that circular. Since Kishori Lal was appointed after 31st January, 1930 he is governed by the provisions of sub-para (c) which reads as follows :—

“The amount of higher initial start and/or extra increments granted after 31st January, 1950 shall be converted into marks by splitting the amount into the normal rates of increments admissible at the relevant time (fractions to be ignored).”

Kishori Lal Tandon having been appointed on 12th March, 1951 at a basic salary of Rs. 92 the wage scale which was admissible to him at that time would be of Sen award i.e. Rs. 82-5-97... This wage scale remained into operation till the enforcement of Sastry award, because of the continuance of the said wage scale on account of the provisions of Section 7 of the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951. The amount of extra increments would thus come to Rs. 10 i.e. only two increments which would mean only two priority marks and not three. The priority list Ex. E/5 for 1964, Ex. E/6 for 1965 and Ex. E/7 for 1966 have been correctly prepared by giving the workman only two priority marks. Once it has been found that the starting salary of Kishori Lal was really Rs. 92 and not Rs. 97 it strikes at the very root of his claim. He could not be given three priority marks for purposes of seniority but only two in the words of the Staff Department Circular.

My finding, therefore, is that having regard to the terms of the Staff Department Circular No. 561, dated 3rd March, 1964 the management of Punjab National Bank was justified in granting only two marks for purposes of seniority of Kishori Lal Tandon. His salary of Rs. 97 was provisionally fixed. The Bank had the right to revise it and after revision this salary was reduced to Rs. 92 per month and so his starting salary shall be deemed to be Rs. 92 only and not Rs. 97 in the then existing scale. Payment of Rs. 97 from 12th March, 1951 till some time in May, 1952 does not make any difference.

Decision

My award is that having regard to the terms of the Staff Department Circular No. 561, dated 3rd March, 1964 Kishori Lal Tandon was entitled to only two marks for purposes of seniority and the Bank was right in giving him only two marks. The claim of workman fails.

No order is made as to costs.

(Sd.) MITHAN LAL,
Presiding Officer (Central).

20-12-67

[No. 51/1/67-LR.III.]

New Delhi, the 5th January 1968

S.O. 178.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Kalla Stone Quarry, Post Office Kalla (Burdwan) and their workmen, which was received by the Central Government on the 30th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 54 OF 1967

PARTIES :

Employers in relation to the Kalla Stone Quarry,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

Nil.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 36/11/67-LRI dated 2nd June 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Kalla Stone Quarry, P.O. Kalla Hospital (Burdwan) and their workmen in respect of the matter specified in the following schedule:

“Whether the action of the management in locking out Shri Abdul Khan, Magazine Chaprasi with effect from 18th December, 1966 and Shri Tej Narayan Jha, Quarry Munshi with effect from 1st December, 1966 is justified? If not, to what relief are these workmen entitled?”

2. According to the written statement of the union, the management was displeased with the workmen of Kalla Stone quarry who formed a branch of the West Bengal Quarry Mazdoor Union at the quarry and tried to crush the union. For this purpose the management stopped from work some workmen who had taken interest in the union activity. Abdul Khan who had been working as Magazine Chaprasi from 1962 was stopped from work from 18th December 1966 without any chargesheet or suspension order. Tej Narayan Jha who worked as Quarry Munshi from 1962 was also stopped from work without any chargesheet or order of suspension from 1st December 1966. On behalf of the workmen the union asked for reinstatement of the two workmen and payment of back wages.

3. The management in their written statement said that work at Kalla Stone quarry was gradually decreasing because of the recession in general business and the two workmen being aware of the position, found alternative jobs elsewhere and left voluntarily after taking their dues from the management. The management denied any intention to crush any union but stated that after the death of Keshab Banerjee on 7th January 1967, two rival groups were trying to claim control of the union and they were starting cases to establish themselves and not for the welfare of the workmen.

4. On the date fixed for hearing, 26th December 1967, neither party appeared before the tribunal and no petition for adjournment was filed by either party. The parties did not even appear on the following day, 27th December 1966, to which date the hearing was adjourned in expectation of some party coming up and explaining non appearance on the date fixed. In the circumstances it must be held that the union no longer has any interest in carrying on the case. It must be presumed that the dispute no longer exists and therefore no adjudication is now necessary. The reference case is disposed of on that basis.

(Sd.) S. K. SEN,
Presiding Officer.

Dated, 27th December, 1967.

(No. 36/11/67-LRI.)

ORDERS

New Delhi, the 3rd January 1968

S.O. 179.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed:

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the All India Punjab National Bank Employees Association, Delhi to treat Gulam Rasool, Driver attached to the

District Manager, Punjab National Bank Limited, Central Circle, Headquarters at Indore as an employee of the Bank is justified? If so, what relief the workman is entitled to and from what date?

[No. 51/19/67-LR.III.]

S.O. 180.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the United Commercial Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the United Commercial Bank Limited, Parliament Street, New Delhi in reducing the salary of Shri Kanti Lal Fagga, a workman of the Parliament street Branch of the Bank, by Rs. 30 per month was justified? If not, to what relief is the workman entitled?

[No. 51/53/67/LR.III.]

New Delhi, the 4th January 1968

S.O. 181.—Whereas the employers in relation to the Pandyan Insurance Company Limited, Madurai and their workmen represented by the Pandyan Insurance Employees' Union and the Staff Union of Pandyan Insurance Company Limited, Madurai, have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the demands of the workmen set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Pandyan Insurance Employees' Union and Staff Union of the Pandyan Insurance Company Limited represent the majority of the workmen;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajummul Hussain shall be the Presiding Officer, with headquarters at Madras and refers the said dispute to the said Tribunal for adjudication.

SCHEDULE

CHARTER OF DEMANDS

Presented by the

PANDYAN INSURANCE EMPLOYEES' UNION, MADURAI

Regd. No. 2522.

Applicable to employees in the Head Office of the Pandyan Insurance Company Limited, Madurai and in other places under its jurisdiction except Bombay and Calcutta.

		<i>Demands</i>	
I. Scale of Pay			
A.	Cleaners and Sweepers.	Rs. 130-5-150-6-180-7-236-9-245	18 years
B.	Peons.	Rs. 145-6-175-7-231-9-276	18 years
C.	Watchman	Rs. 175-7-231-9-235-10-305	16 years
D.	Driver & Electrician	Rs. 210-8-242-10-272-12-296 14-310-15-325	11 years
E.	Caretaker	Rs. 210-10-250-12-310-15-400	15 years
F.	Assistants at present termed as Clerks & typists.	Rs. 250-12-310-15-400-20-540	18 years
G.	Senior Assistant at present termed as Section Heads.	Rs. 300-20-460-25-625	15 years

NOTE.—Employees who are at present in the maximum of the respective grades or will reach the maximum of the respective grades in future, shall receive one additional increment for every two years of service put in after reaching the maximum of the respective grades, provided, however, such increments shall not be more than five in number. Such increments shall be paid to the employees on the basis of the last incremental slab in the revised grade.

N.B.—A graduate or a Diploma Holder in Accountancy and Commercial Subject, shall get a higher starting salary by two increments. Those, who have not received such increment shall also get two increments.

2. Adjustments

- (a) An employee shall be fitted into the new scales on a point to point basis
- (b) The additional or extra amount obtained by special increments or promotions in the basic pay of an employee than years of service would warrant, shall be treated as "PERSONAL PAY" of the employee.
- (c) The personal pay for which an employee thus becomes entitled shall be paid in addition to the basic pay due to him as indicated in 2(a) above and notwithstanding his reaching the maximum in his scale of pay.
- (d) The personal pay for all practical purposes be treated as Basic Pay in so far as all the benefits entitled to the employees are concerned

3. Dearness Allowance.

The Dearness Allowance shall be linked to the All India Working Class Consumer Price Index taking 1949=100.

The Dearness Allowance shall be paid at the rate of 1% of basic pay for every rise of one point over 100 in the consumer price index. Similarly, for every fall of one point in the Consumer Price Index, the Dearness Allowance shall stand decreased at the rate 1% of basic pay.

Such adjustments of Dearness Allowance shall be made with effect from the first of the following month for which the index figure is published in the Indian Labour journal.

4. Other Allowances

(a) **Overtime Allowance.**—The employees in the categories mentioned in 1 above working overtime shall be entitled to "Overtime Allowance" for such period of work rendered at the rate of double the hourly rate of wages inclusive of all allowances. No employee shall be engaged in overtime work for more than 90 hours in a calendar year.

(b) **Officiating Allowance.**—(i) If an employee is required to officiate in a higher post, he shall be entitled to an "Acting Allowance" at the rate of 20% of his salary for the period during which he officiates.

(ii) If an employee is required to act in a post for which special pay or allowance is provided, he shall be entitled to pro-rata special pay or allowance for the period of such work done.

(c) **House Rent Allowance.**—All the employees in the categories mentioned in 1 above shall be paid as "House Rent" a sum at the rate of 10% of their basic salary per mensem subject to a minimum of Rs. 30 per mensem.

(d) **Children Allowance.**—All the employees in the categories mentioned in 1 above, shall be paid "Children Allowance" at the rate of Rs. 15/- per month per child subject to a maximum of Rs. 30/-.

(e) **Special Allowance.**—Employees engaged in work mentioned below and/or designated as below shall be entitled to Special Allowance per mensem in addition to their salaries and emoluments in the manner stated below:

- (i) Peons, Watchmen, Drivers, Electrician and Caretaker Rs. 20/- per month.
- (ii) Typists. Rs. 30/- per month.

5. Amenities

(a) **Free Medical Aid.**—All the employees, in the categories mentioned in 1 above, shall be entitled to free Medical Aid for selves and their dependents. All the cost of hospitalisation, medicines and doctors' bills shall be borne by the Company.

(b) **Subsidy for cheap canteens.**—Adequate subsidy shall be given for cheap canteen facility for supply of wholesome food to the employees.

(c) *Subsidy for Sports, Cultural and Recreation Activities.*—Adequate subsidy shall be given for promotion of sports, recreational and cultural activities.

(d) *Free Personal Accident Policy.*—All the employees, in the categories mentioned in 1 above, shall be entitled to a free Personal Accident (annual) Policy, the premium for which shall be borne by the Company. The sum assured of such a policy shall be as under:—

<i>Categories of employees</i>	<i>Sum assured</i>
	Rs.
For Assistants and Senior Assistants	10,000
For Drivers, Electrician and Caretaker	7,500
For Peons and Watchmen	5,000
For Cleaners and Sweepers	2,500

(e) *Employees' Co-operative Credit Society.*—(i) The Company shall make investments liberally in the Pandyan Insurance Company Employees' Co-operative Credit Society.

(ii) The Company shall also be prepared to render liberal assistance to the Society as and when necessary.

6. *Bonus.*

Bonus shall be paid to all the employees in the categories mentioned in 1 above, annually equivalent to three months' salary inclusive of Dearness Allowance.

7. *Gratuity.*

Where—

- (a) an employee has been in continuous service of the Company for not less than five years, from the date of appointment, and
 - (i) his services are terminated by the Company for any reason whatsoever; or
 - (ii) he voluntarily resigns from the service of the Company; or
- (b) an employee—
 - (i) dies while he is in the service of the Company; or
 - (ii) retires from the service of the Company on his reaching the age of superannuation; or
 - (iii) his services are terminated by the Company or he has been required to retire on account of certified permanent incapacity due to bodily or mental infirmity;

the employee, or, as the case may be, (his nominee or nominees or if no nomination has been made or is subsisting, his heirs) shall be paid on such termination, retirement, resignation or death by the Company gratuity which shall be equivalent to one month's salary on the date of termination of service for every completed year of service or any part thereof in excess of six months with the Company subject to a maximum of twenty months' salary on the date of termination of service.

8. *Provident Fund.*

The rate of contributions shall be 10% of the total emoluments with equal contributions by the Company.

9. *Leave and permissions.*

(a) *Casual Leave.*—15 days casual leave should be given in a calendar year. 6 days casual leave may be granted at a stretch.

(b) *Privilege Leave.*—Privilege leave should be allowed to all employees in the categories mentioned in 1 above, at the rate of 1 day for every 11 calendar days. Employees should be allowed to accumulate leave upto 6 months. All privilege leave standing due to the credit of an employee at the time of his retirement, termination or death shall have to be encashed and paid to him or to his nominee or heir as the case may be.

(c) *Sick Leave*.—30 days sick leave per year should be allowed to full pay to the employees with a maximum accumulation of twelve months. In case of prolonged illness further sick leave with half pay should be allowed upto six months and another six months without pay.

(d) *Examination leave*.—Employees shall be allowed adequate leave for appearing in all the recognised examinations in addition to all other leave.

(e) *Permissions*.—The employees shall be entitled to twentyfour permissions, each for a period not exceeding one and a half hours, in a year.

10. *Promotions*.

Promotion Rules should be finalised and determined from time to time through negotiation between the Pandyan Insurance Company Limited and Pandyan Insurance Employees' Union representing the employees in the Company.

11. *Working Hours*.

The working hours for employees in the Assistants and Senior Assistants cadres shall be 33 hours a week and 36 hours for all other employees.

12. *Loan Facilities*.

As per Annexure.

13. *Recruitment*.

(a) Any employee recruited by the Company shall be paid the minimum of the grade. No employee shall be recruited on daily, weekly or any other *ad hoc* basis.

(b) For all future recruitments, preference shall be given to the dependents of the existing as well as exemployees.

14. *Existing Rights and Privileges*.

Nothing contained in this Charter shall adversely affect or take away from any employee or group of employees any rights, privileges or usages, practice or conventions, amenities or other conditions of service that are already vested in or enjoyed by such employee or group of employees.

15. *Dote of Effect*.

All benefits in this Charter of Demands shall have effect from the 1st day of June, 1967.

16. *Trade Union Rights*:

(a) The Pandyan Insurance Company Limited shall recognise the Pandyan Insurance Employees' Union as the sole bargaining agents of the employees of the Company.

(b) The Pandyan Insurance Co., Ltd., shall provide necessary space for office accommodation of the Pandyan Insurance Employees' Union.

(c) Adequate special leave shall be allowed to the Union Representatives to enable them to attend the meetings and conferences of the Union and its Central and State Organisations.

17. The Pandyan Insurance Employees' Union reserves the right to add, alter or amend any demand in this Charter as may be found necessary by it at any later date.

MADURAI,
6th September, 1967.

Sd./- PAUL JOSEPH,
General Secretary.

ANNEXURE

Loan Facilities

1. Loans will be given to workmen only for useful or necessary purposes.
2. All applications for loans will be made to the Company in the form, if any, prescribed for the purpose.
3. Such loans will be classified into three categories, viz.
 - I Long Term Loans
 - II Short Term Loans, and
 - III Festival and other advances.

4. No workmen shall be eligible for all the three loans or for both the first and the second or for both the second and the third at a time.

5. Interest will be calculated on daily balance of principal

I—Long Term Loans

1. *Purposes*.—Loans under this category shall be given only for the following purpose:

- (a) To purchase land;
- (b) To construct a house or for carrying out a major alteration or addition or repairs;
- (c) To purchase a house,
- (d) To clear off debts incurred in the above connections.

The deeds of all such properties will be in the name(s) of the workman and/or his wife and/or his children.

2. *Maximum Eligibility*.—Loan shall be granted to confirmed individual workmen at the following rates:

- (a) Rs. 12,000/- for Cleaners, Sweepers, Peons, Watchmen, Drivers, Electrician and Caretaker.

Rs. 25,000/- for Assistants and Senior Assistants

or

- (b) 5 years' salary for each workman,
Whichever is higher.

3. *Period of Repayment*.—Period of Repayment of loan shall be 25 years or the date of retirement whichever is earlier and the first instalment shall start only after one year after the completion of the building.

The borrower shall be free to reduce the principal amount of the loan by any lump sum payment in addition to the monthly repayments collected and to clear off the loan earlier than the period agreed before

4. No interest shall be charged on this loan.

Special Provision:

In the case of Long Term Loans, the amount of loan sanctioned may be paid by the Company in instalments not exceeding three in number, as and when desired by the applicant.

II—Short Term Loans

1. *Purposes*.—(a) To meet the expenses in connection with the marriage of the workman or any of his family members.

- (b) To meet the medical expenses for self and family.
- (c) To meet funeral expenses.
- (d) To purchase essential articles for personal and domestic use
- (e) To clear off debts incurred in the above connections
- (f) For all such purposes as are being allowed at present but not specifically covered above or under categories I and III.

2. *Maximum Eligibility*.—(i) 80% of own and Company's contribution to P.F. with interest, if the service exceeds six years.

(ii) 80% of own contribution to P.F. with interest if the service is below six years.

3. *Period of Repayment*.—Maximum 3 years—in 36 monthly instalments.

The borrower shall be free to reduce the principal amount of the loan by any lump sum payment in addition to the monthly repayments collected and to clear off the loan earlier than the period agreed before.

4. Interest shall be charged at 3% per annum from the date of payment.

III—Festival and other advances

1. *Purposes.*—(a) To meet expenses in connection with the religious of other festivals and functions.

(b) To purchase essential articles for personal and domestic use

2. *Maximum Eligibility.*—Two months' total emoluments (wages and D As) or Rs. 400/- whichever is less

3. *Period of Repayment.*—1 year—in 12 equal monthly instalments.

4. No interest shall be charged on such advances.

STAFF UNION OF PANDYAN INSURANCE COMPANY LIMITED, MADURAI

REGISTERED No. 2914

Memorandum of Demands Submitted to the Manager, Pandyan Insurance Company Limited, Madurai on 10th August, 1967.

I

Change of designation.

Clerks and Typists shall be forthwith designated as 'Assistants'.

II.

Revision of Pay Structure.

A. Assistants at present termed as Clerks and Typists	Rs. 250-12-310-15-400-20-540	18 years
B. Record Attender	Rs. 225-10-265-12-325-15-415	15 years
C. Peons and Lift Operator	Rs. 145-5-175-7-231-9-276	18 years

III

Adjustments and Increase in Emoluments.

- An employee shall be fitted into the new scales on a point to point basis.
- The additional or extra amount obtained by special increments or promotions in the basic pay of an employee than years of service would warrant, shall be treated as "PERSONAL PAY" of the employee.
- The personal pay for which an employee thus becomes entitled shall be paid in addition to the basic pay due to him as indicated in III(a) above and notwithstanding his reaching the maximum in his scale of pay
- The personal pay for all practical purposes be treated as Basic Pay in so far as all the benefits entitled to the employees are concerned.

IV

Dearness Allowance

The Dearness Allowance shall be linked to the All India Working Class Consumer Price Index taking 1949=100.

The Dearness Allowance shall be paid at the rate of 1% of basic pay for every rise of one point ever 100 in the consumer price index. Similarly, for every fall of one point in the Consumer Price Index, the Dearness Allowance shall stand decreased at the rate 1% of basic pay.

Such adjustments of Dearness Allowance shall be made with effect from the first of the following month for which the index figure is published in the Indian Labour Journal

V.

House Rent Allowance

With growing urbanisation, the rates of house rents are becoming very high and it takes away a substantial share of our emoluments. Hence our demand for house rent as under:

"10% of the basic pay subject to a minimum of Rs. 30/- per mensem."

VI

Hours of Work

The working hours for employees in the Assistants and Senior Assistants cadres & Record Attender shall be 33 hours a week and 36 hours for all other employees.

VII.

Leave facilities

(a) *Casual Leave*.—15 days casual leave should be given in a calendar year. 6 days casual leave may be granted at a stretch.

(b) *Privilege leave*.—Privilege leave should be allowed to all employees in the categories mentioned in II & VIII, at the rate of 1 day for every 11 calendar days. Employees should be allowed to accumulate leave upto 6 months. All privilege leave standing due to the credit of an employee at the time of his retirement, termination or death shall have to be encashed and paid to him or to his nominee or heir as the case may be.

(c) *Sick Leave*.—30 days sick leave per year should be allowed on full pay to the employees with a maximum accumulation of twelve months. In case of prolonged illness further sick leave with half pay should be allowed upto six months and another six months without pay.

(d) Adequate special leave shall be allowed to the Union Representatives to enable them to attend the Meetings and Conferences of the Union and its Central and State Organisations.

VIII.

Section Heads.

The existing sectional heads shall be designated as "Senior Assistants" and fitted in the following grade:

Rs. 300—20—460—25—635....15 years.

The head peon shall be fitted in the grade of Rs 185—7—241—9—295—10—315
.....16 years.

IX.

Loan facilities

The unduly exorbitant rate of interest exceeding 8% for loans as prevailing in our Office at present is not at all beneficial to the staff. For very essential purposes like house building, repairing of houses, purchase of plots and/or houses, loans should be granted free of interest and in respect of other purposes a minimum interest of 3% alone should be charged

X

Medical facilities

In the existing arrangement for medical treatment the following need to be included.

- (a) The recovery of Re. 1/- per day towards diet charges from the staff who are admitted in the Christian Mission Hospital should be waived. Diet charges should be borne by the Company during hospitalisation.
- (b) Arrangements should be made with Christian Mission Hospital for periodical medical check up of the staff.
- (c) Free medical aid for ordinary ailments should be given to the families of the staff.
- (d) Dental charges, as an exception from other medical expenses, is now borne by the staff which shall henceforth form part of the usual medical expenses borne by the Company. Dentures and spectacles shall also be supplied free of cost to the staff when prescribed by the Doctor.
- (e) In addition to the existing arrangement with the Christian Mission Hospital, Madurai the Company shall nominate two authorised doctors and the employees at Head Office shall have the option of receiving treatment from the authorised doctors or the Christian Mission Hospital, Madurai.

XI.

Canteen facility.

The Company shall provide for adequately subsidised cheap canteen for supply of wholesome food to its employees.

XII.

Staff Welfare Fund.

The Company shall create a fund by this name to be utilised for social, cultural and educational development of the staff. The present library maintained by the Company should be, at regular intervals enriched with more books and periodicals.

XIII.

Other Allowances

(a) **Overtime Allowance.**—The employees in the categories mentioned in II and VIII working overtime shall be entitled to "Overtime Allowance" for such period of work rendered at the rate of double the hourly rate of wages inclusive of all allowances. No employee shall be engaged in overtime work for more than 90 hours in a calendar year.

(b) **Special Allowance.**—Employees engaged in work mentioned below and/or designated as below shall be entitled to Special Allowance per mensem in addition to their salaries and emoluments in the manner stated below:—

(i) Peons and Lift Operator.	Rs. 20/- per month
(ii) Typists	Rs. 30/- per month

XIV.

Bonus

Bonus shall be paid to all the employees in the categories mentioned in II & VIII above, annually equivalent to three months' salary inclusive of Dearness Allowance

XV.

Provident Fund.

The rate of contributions shall be 10% of the total emoluments with equal contributions by the Company.

XVI.

Existing Rights and Privileges.

Nothing contained in this Memorandum of Demands shall adversely affect or take away from any employee or group of employees any rights, privileges or usages, practice or conventions, amenities or other conditions of service that are already vested in or enjoyed by such employee or group of employees

XVII.

Date of Effect.

All benefits in this Memorandum of Demands shall have effect from the 1st day of June, 1967

XVIII.

The Staff Union of Pandyan Insurance Co. Ltd. reserves the right to add, alter or amend any demand in this Memorandum of Demands as may be found necessary by it at any later date.

[No. F. 74/12/67/LR-III.]

S.O. 182.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the United Commercial Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the United Commercial Bank Employees Union, Delhi that Shri Bhikam Singh, Chowkidar United Commercial Bank Limited Branch Office Krishan Nagar, Delhi should be confirmed with effect from 24th September, 1965 is justified? If so, to what relief is he entitled?

[No. 51/74/67/LRIII.]

S.O. 183.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7-A of the said Act.

SCHEDULE

Whether the action of the management of the Punjab National Bank Ltd in terminating the services of Shri Dharambir Sharma, Daftry at the Burhampur Branch of the Bank, on the 22nd June, 1966 is justified? If not, to what relief is he entitled?

[No. 51/75/67-LRIII.]

New Delhi, the 5th January 1968

S.O. 184.—Whereas an industrial dispute exists between the General Manager, Oil and Natural Gas Commission, Eastern Region, P.O. Sibsagar, Assam (hereinafter referred to as the said Commission) and their workmen represented by the Oil and Natural Gas Commission Employees Union Sibsagar (hereinafter referred to as the Union);

And, whereas the said Commission and the Union have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the said arbitration agreement, which was received by it on the 18th December, 1967.

Agreement

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Brig. K. S. Dhillon, General Manager, Oil & Natural Gas Commission, Eastern Region, P.O. Sibsagar (Assam)—Representing employers.

AND

Shri B. N. Borpuzari, President, ONGC Employees' Union, P.O. Sibsagar (Assam)—Representing workmen.

It is hereby agreed between the parties to refer to following industrial disputes to the arbitration of Shri N. K. Chaddha, Regional Labour Commissioner (Central), Govt. of India, 12, Chowringhee Square, Calcutta-1

- | | |
|--|--|
| (1) Specific matters in dispute. | .. As per Annexure I enclosed here with. |
| dispute including the name and address of the establishment or undertaking involved. | .. As per Annexure II enclosed herewith. |

- | | | |
|---|----|--|
| (iii) Name of the Union, if any, representing the workmen in question | .. | ONGC Employees' Union, Sub-sagar. |
| (iv) Total number of workmen employed in the undertaking affected. | . | Five. |
| (v) Estimated number of workmen affected or likely to be affected by the dispute. | .. | (a) Five--under employment.
(b) Twelve--whose services were terminated. |

We further agree that the majority decision of the Arbitrators shall be binding on us.

Witnesses:

(1) Sd./- Illegible

4-12-67

(2) Sd./- Illegible

4-12-67

Sd./-

K. S. DHILLON,
General Manager,
ONGC, Eastern Region,
Representing employers.

Sd./-

B. N. BORPUZARI,
President,
ONGC Employees' Union,
Sibsagar

Representing workers.

4-12-67

ANNEXURE I

Specific matters in dispute

1. Whether the period between the date of termination and re-employment of the undermentioned workmen is to be treated as Extra-ordinary leave, as already granted or whether full wages are to be paid.

- | | | |
|------------------------------|----|----------------|
| 1. Shri Lalit Chandra Saikia | .. | Security Guard |
| 2. Shri Ramjan Ali | .. | Khalasi |
| 3. Shri Manik Ali | .. | Khalasi |
| 4. Shri Janti Ali | .. | Khalasi |
| 5. Shri Sunti Kalita | .. | Security Guard |

2. Whether the termination of the services of the undermentioned workmen were justified? If not, to what relief are the workmen entitled?

- | | | |
|----------------------------|----|----------------|
| 1. Nogen Chandra Bora | .. | Khalasi |
| 2. Shri Hari Prasad Chetia | .. | Security Guard |
| 3. Shri P. C. Khargaria | .. | Asstt. Gd. III |
| 4. Shri Budhnath Das | .. | Khalasi |
| 5. Shri Punaram Changmai | .. | Khalasi |
| 6. Shri Ratneswar Mohan | .. | Khalasi |
| 7. Shri J. N. Bordoli | .. | M.T. Driver |
| 8. Shri Gunaram Gogoi | .. | Security Guard |

3. Whether the termination of the services of the undermentioned workmen were justified? If not, to what relief are the workmen entitled?

- | | | |
|----------------------------|----|----------------|
| 1. Shri Phuleswar Handique | .. | Security Guard |
| 2. Shri Molok Ch. Baruah | .. | Security Guard |
| 3. Shri Brojen Chetia | .. | Security Guard |

Sd./- Illegible

President.

4-12-67.

ANNEXURE II

Details of the parties to the dispute including the name and address of the establishment or undertaking involved

Representing employers

1. Brig. K. S. Dhillon

General Manager, Oil and
Natural Gas Commission,
Eastern Region, Sibsagar
(Assam).

Representing the 17 workmen

2. Shri B. N. Borpuzari

President, ONGC, Employ-
ees' Union, Sibsagar (Assam).

3. Name and address of the undertaking:—

Oil & Natural Gas Commission, Eastern Region, Sibsagar, (Assam).

[No. F. 25/19/67-LRI.]

S.O. 185—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Piprahia Mica Mine and Narayana Mica Mine of Messrs Chattram Horilram (Private) Limited, Post Office Jhumritelaiya, District Hazaribagh (Bihar) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Piprahia Mica Mine and Narayana Mica Mine of Messrs Chattram Horilram (Private) Limited, Post Office Jhumritelaiya, District Hazaribagh, transferring the services of Shri Sarju Pandey, Darwan, from Piprahia Mica Mine to Narayana Mica Mine and subsequently terminating his services with effect from the 11th December, 1965, is justified. If not, to what relief is the workman entitled?

[No. 20/9/67-LRI.]

S.O. 186—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the M/s. Sutna Stone and Lime Company Limited, Satna and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7-A of the said Act.

SCHEDULE

1. (a) Whether the rates of wages paid to the various categories of workmen employed by Sutna Stone and Lime Company Limited are adequate, keeping in view the present cost of living? If not, what should be the rates of wages and dearness allowance, if any?

(b) Whether any part of the dearness allowance should be linked with consumer price index? If so, what should be its quantum?

2. Whether the management of Sutna Stone and Lime Company Limited, Satna, P.O. Satna (Madhya Pradesh) is justified in not paying profit sharing bonus to their workmen at the rate of 20 per cent of their wages for the accounting year, 1966? If not, to what relief are the workmen entitled?

[No. 36/40/67-LRI.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour & Employment)

New Delhi, the 1st January 1968

S.O. 187.—Whereas the Central Government is satisfied that the National Chemical Laboratory, Poona, which is under the control of the Council of Scientific and Industrial Research, is a training and research institution of a non-commercial character and that the employees thereof are in receipt of benefits similar to those provided under the Employees' State Insurance Act, 1948 (34 of 1948).

Now, therefore, in exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the said factory from all the provisions of the said Act for a period of one year with effect from the date of publication of this notification in the Official Gazette.

(No. F. 6(82)/67-HI.]

S.O. 188.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Public Works Department Workshop, Bhopal, from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 10th January, 1968.

(No. F. 6(85)/67-HI.]

S.O. 189.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Sanitary Store Workshop of the New Delhi Municipal Committee from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 7th January, 1968.

(No. F. 6(86)/67-HI.]

S.O. 190.—Whereas the State Government of Andhra Pradesh has in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri A. Krishnaswamy, Special Secretary to the Government of Andhra Pradesh, Home Department, to represent that State on the Employees' State Insurance Corporation in place of Shri S. A. Iyengar;

Now, therefore in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour Employment and Rehabilitation (Department of Labour & Employment) No S.O 2551 dated the 9th August, 1966, namely:—

In the said notification, under the heading "(Nominated by the State Governments under clause (d) of section 4)", for the entry against item 8, the following entry shall be substituted, namely:—

"Shri A. Krishna Swamy, Special Secretary to the Government of Andhra Pradesh, Home Department, Hyderabad."

(No. F. 3/18/66-HI.]

MAHINDRA KISHORE, Under Secy.

(Department of Labour and Employment)

New Delhi, the 4th January 1968

S.O. 191.—In exercise of the powers conferred by section 4 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961) read with sub-rule (2) of rule 3 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3299, dated the 19th November, 1963, the Central Government hereby re-constitutes the Advisory Committee for the State of Bihar with the following as the members, namely:—

- (1) Secretary to the Government of Bihar, Department of Labour and Employment, Patna—Chairman.

- (2) Regional Labour Commissioner (Central), Dhanbad—Vice-Chairman
- (3) Shri Purna Chandra Birua, Member of the Legislative Assembly, Bihar, Patna—Member of the Legislative Assembly.
- (4) Shri L. P. Sao, Mine Owner and Member of the Eastern Zone, Mine Owners Association, Chaibasa—Representatives of the Iron Ore Mine Owners of Bihar.
- (5) Shri H. L. Chopra, Manager, Indian Iron and Steel Co. Ltd., Gua, Distt. Singhbhum—Representatives of the Iron Ore Mine Owners of Bihar.
- (6) Shri Bopeshwar, c/o Gua Mines Workers' Union, P.O. Gua, District Singhbhum (Bihar)—Representatives of the Iron Ore Mine Workers of Bihar.
- (7) Shri Dubraj Samanth, General Secretary, Noamundi Mazdoor Union, P.O. Naomundi, District Singhbhum (Bihar)—Representatives of the Iron Ore Mine Workers of Bihar
- (8) Shrimati Madhu Jyotsna Akhauri, w/o Shri M. K. Akhauri, Secretary, District Congress Committee, Singhbhum, Jamshedpur—Woman Representative.

2 The Headquarters of the Advisory Committee shall be at Patna.

[No. F. 10/16/66-M. III.]

New Delhi, the 5th January 1968

S.O. 192.—The following draft of a scheme further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd January 1968.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1965.

2. In the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, in clause 2 the following words shall be added at the end, namely:—

“and to ensure efficient performance of work by the said workers.”

[No. 531/8/65-Fac.II.]

S.O. 193.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previous published as required by the said sub-section, namely:—

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In clause 31 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, in sub-clause (1) for the sentence beginning with the words “A worker in the Reserve Pool Register” and ending with the words “minimum number of twelve days in a month” the following shall be substituted, namely:—

“A worker in the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs or to such other category as may be decided by the Board, even though no work is found for him for the minimum number of twelve days in a month”.

[No 53/20/67-Fac.II.]

New Delhi, the 6th January 1968

S O. 194.—The following draft of a scheme for the port of Kandla which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 7th February, 1968.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government

Draft Scheme

THE KANDLA UNREGISTERED DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1968

1. Short title, application and commencement.—(1) This Scheme may be called the Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968.

(2) It applies to the dock workers of the classes specified in the Schedule and to the employers of such dock workers in the port of Kandla, but does not apply to—

- (a) workers engaged in any class or description of work carried out in workshops or in respect of sailing vessels or to ship's crew; and
- (b) monthly employers of the listed employers working on their regular establishment.

(3) It shall come into force on the date of its publication in the Official Gazette.

2 Object.—The object of this Scheme is to regulate the employment of dock workers to whom this Scheme applies.

3. Definitions.—In this Scheme, unless the context otherwise requires,—

- (a) "Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
- (b) "Administrative Body" means the Administrative Body appointed under clause 4;
- (c) "Board" means the Kandla Dock Labour Board constituted under the Act;
- (d) "Chairman" and "Deputy Chairman" mean the Chairman and Deputy Chairman respectively of the Board;
- (e) "Committee" means a Committee appointed under clause 11;
- (f) "daily worker" means a dock worker who is not a monthly worker;
- (g) "dock employer" means the person or firm by whom a dock worker to whom the Scheme applies is employed or is to be employed;
- (h) "dock work" means work ordinarily performed by dock workers of the classes to which this Scheme applies;
- (i) "listed employer" means a dock employer listed by the Board under clause 12 and includes for the purpose of clause 15 an authorised agent of such employer;
- (j) "listed worker" means a dock worker listed under clause 13;
- (k) "monthly worker" means a dock worker who is employed by a listed employer on monthly basis under a contract which requires for its termination at least one month's notice on either side;
- (l) "Personnel Officer" means the officer appointed as such under clause 5;
- (m) "vessel" means an ocean-going vessel or ship other than a sailing vessel whose gross registered tonnage is not less than 350 tonnes.

4. Administrative Body.—(1) The Central Government may, by notification in the Official Gazette, appoint a body consisting of such employers of dock workers as the Central Government may nominate in this behalf to be the Administrative Body for the purpose of carrying out the day-to-day administration of this Scheme. If a body consisting of employers of dock workers is not appointed as

the Administrative Body, the Deputy Chairman shall constitute the Administrative Body.

(2) The Administrative Body shall, subject to the supervision and control of the Board and the Chairman and subject to the provisions of clause 19 carry on the day-to-day administration of the Scheme.

(3) The Central Government may for sufficient cause remove any Administrative Body appointed under sub-clause (1):

Provided that an Administrative Body shall not be removed unless it has been given a reasonable opportunity of being heard.

(4) (a) If the Deputy Chairman constitutes the Administrative Body, he may be assisted by an Administrative Superintendent in the discharge of the functions of the Administrative Body under clause 8.

(b) The Deputy Chairman may with the approval of the Chairman delegate in writing to the Administrative Superintendent any of the functions specified under clause 9.

5. Administrative Superintendent, Personnel Officer and other servants of the Board.—The Board may appoint an Administrative Superintendent, a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that, no post the maximum salary of which exclusive of allowances is rupees eight hundred and above per mensem shall be created, and no appointment to such post shall be made by the Board except with the previous approval of the Central Government:

Provided further that approval of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

6. Functions of the Board.—The Board may, with a view to regulating the employment of dock workers to whom this Scheme applies, take such measures as it may consider desirable, including measures for—

- (a) appointing, abolishing or reconstituting committees under clause 11;
- (b) keeping and maintaining a list of dock employers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the list, the name of any dock employer, either at his own request or in accordance with the provisions of this Scheme;
- (c) keeping and maintaining from time to time a list of dock workers and removing from the list the name of a dock worker either at his own request or in accordance with the provisions of this Scheme;
- (d) issuing photo-identity cards for listed dock workers;
- (e) recovering from list employers, such administrative charges as it may determine;
- (f) providing medical facilities for listed dock workers;
- (g) making recommendations to the Central Government about such changes in this Scheme as the Board may consider desirable from time to time;
- (h) constituting, maintaining and administering the Dock Workers Welfare Fund by the Board and recovering from all the listed employers contributions towards the said Fund in accordance with the rules framed by the Board;
- (i) subject to the provisions of clause 5, sanction the creation of posts and make appointments to such posts.

7. Functions of the Chairman.—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of this Scheme and in particular—

- (a) to ensure, with the assistance, wherever necessary of such committees or committees as may be appointed under clause 11, that the decisions of the Board in regard to the entry of names in, or the removal of names from the list of dock employers or the list of dock workers are carried out expeditiously;

- (b) to supervise and control the working of the officers and servants of the Board as prescribed in this Scheme;
- (c) to take disciplinary action against listed employers as prescribed in this Scheme;
- (d) to discharge all other duties and responsibilities specifically vested in the Chairman under this Scheme;
- (e) to sanction the creation of posts the maximum salary of which exclusive of allowances is upto rupees six hundred per month and to make appointments to such posts.

(2) The Chairman may delegate in writing—

- (a) to the Deputy Chairman, any of his functions under sub-clause (1), and
- (b) to the Personnel Officer, any of his functions under sub-clause (1)(a), (1)(c) and (1)(d).

8. Functions of the Deputy Chairman and the Personnel Officer.—Without prejudice to the powers and functions of the Board and the Chairman, the Deputy Chairman and the Personnel Officer shall carry out such functions as may be assigned to them by the Chairman under clause 7 or as are provided under this Scheme.

9. Functions of Administrative Body.—The Administrative Body shall be responsible for the administration of this Scheme, under the control and supervision of the Chairman, and shall, in particular, be responsible for—

- (a) the allocation of the listed workers in the pools constituted under clause 17 who are available for work, to the listed employers and for this purpose, the Administrative Body shall—
 - (i) be deemed to act as an agent for the listed employer;
 - (ii) make the fullest possible use of the listed workers in each pool; and
 - (iii) provide for the maintenance of records of employment and earnings;
- (b) the payment, as agent of the listed employer, to each listed dock worker of all earnings due to the worker from the employer;
- (c) authorising the employment of unlisted workers if listed workers are not available for work in the pool or in such circumstances as the Chairman may approve;
- (d) appointing, subject to the budget provision, such officers and servants from time to time as may be necessary;

Provided that the creation of posts, the maximum salary of which exclusive of allowances is upto rupees three hundred per month and appointment of persons to such posts shall be subject to clauses 6(f) and 7(e).

10. Labour Officer.—The Administrative Body when it consists of employers of dock workers shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by the Body consistent with the provisions of the Scheme.

11. Committees.—The Board may appoint one or more committees, composed of such representatives of dock employers and dock workers to whom this Scheme applies and such other person or persons as may be nominated by the Board to facilitate compliance with, or implementation of, the provisions of this Scheme and may entrust to such committee or committees such of its functions as it may deem fit. The Board may dissolve or re-constitute such committee or committees, from time to time, as it may deem fit.

12. Listing of employers of dock workers.—(1) The Board shall maintain a list of employers of dock workers to whom this Scheme applies.

(2) Every person, who is an employer of dock workers to whom this Scheme applies on the date of commencement of this Scheme, and who applies to the Board in this behalf on or before such date as may be fixed by the Board for this purpose shall be entitled to be listed under this Scheme.

(3) The Board, may, if it considers it expedient and necessary to do so, list employers other than those covered by sub-clause (2).

(4) Where the Board refuses to list an employer, it shall communicate to the person concerned a copy of the order together with the reasons therefor.

13. Listing of dock workers.—(1) Any dock worker to whom this Scheme applies, who has been in the employment of an employer and has worked under him for such number of days or shifts during such period as may be prescribed by the Board, shall subject to the following conditions be eligible for being listed, namely:—

(i) The number of workers of each class to be selected for listing shall not exceed the number which the Board may determine from time to time. Selection for listing shall be made, as far as possible, on the basis of seniority as determined by the length of service rendered by a worker or on such other basis as the Board may determine:

Provided that such worker shall be medically fit and shall not be more than 60 years of age.

(ii) Only Indian citizens shall be eligible for being listed:

Provided that dock workers who are not Indian citizens but are otherwise eligible may be listed provisionally in a separate list on such terms and conditions as the Board may, in consultation with the Central Government, prescribe from time to time.

(2) Workers shall be listed under this Scheme in accordance with the following procedure, namely:—

(i) Each eligible dock worker shall apply to the Board through his employer on or before such date as may be fixed by the Board or any committee appointed under clause 11 for the purpose. The application shall be submitted in duplicate in the form prescribed by the Board, and shall be accompanied by three copies of passport sized photograph of the worker concerned, the cost of which shall be borne by him

(ii) A listed employer shall not refuse to forward the application of a worker who has been in his employment and has worked under him for such number of days or shifts during such period as may be prescribed by the Board under item (i):

Provided that if any question arises whether or not a worker has been in the employment of his employer and has worked under him for such number of days or shifts as may be prescribed by the Board, it shall be referred to such officer, authority or committee as the Board may specify and the decision of such officer, authority or committee, as the case may be, shall be final.

(iii) The period for which a worker of a class specified in the Schedule has served on work relatable to that class under a particular employer shall as far as possible be recorded on the basis of payments of wages made to the worker previously, either directly by the employer or through any of the employer's agents.

(iv) While forwarding an application of a dock worker, the employer shall, if he does not recommend the application state the reasons for which he does not recommend the application.

(v) Every worker shall pay to the Board a listing fee of twenty-five paise on his name being listed.

(vi) If the application is in order, the Board shall enter the name of the worker in the list of workers and retain one copy each of the application and the photograph for record and return the other copy of the application with a photograph affixed on it together with a photo-identity card to the listed employer through whom the application has been received. The employer shall hand over the photo-identity card to the worker concerned.

(3) Notwithstanding any other provision of this Scheme, where the Board is of opinion that a dock worker has secured his listing by furnishing false information in his application or by withholding any information required therein, or where it appears that a worker has been listed improperly or incorrectly, the Board in meeting may direct the removal of his name from the list:

Provided that before giving any such direction, the Board shall give to the dock worker an opportunity of showing cause why the proposed direction should not be issued.

(4) A copy of every order refusing to list a worker shall be communicated to him.

14. Medical Examination.—If a listed employer deems it necessary, a worker shall undergo, at the cost of the listed employer, a medical examination by a Medical Officer appointed by the Chairman. If the worker is found permanently unfit, his name shall be removed from the list.

15. Obligations of listed employer.—(1) Every listed employer shall be bound by the provisions of this Scheme.

(2) A listed employer shall maintain records in such form as may be prescribed by the Board, showing the names of dock workers employed by him daily, the payments made to them and such other particulars as the Board may specify.

(3) A listed employer shall prepare at the end of each month a statement showing the number of days for which each dock worker was employed by him and the payments made to each worker.

(4) A listed employer shall pay to the Administrative Body in such manner and at such times as the Chairman may direct the administrative charges payable under sub-clause (6) and the gross wages due to the dock workers.

(5) At the end of each month, a listed employer shall make a summary of the monthly statements referred to in sub-clause (3) and submit it to the Board within a fortnight of the commencement of the next month. The listed employer shall also maintain such registers and records and submit such other returns and information as the Board may require. All registers, records and returns shall be made available for inspection by the officers of the Board whenever required.

(6) Every listed employer shall pay to the Board administrative and such other charges as may be prescribed by the Board.

(7) A listed employer shall not engage a worker of a class mentioned in the Schedule who is not listed so long as a listed worker of the same class from his list or any other employer's list offers himself for employment.

(8) To the extent possible, the Board shall allot work by rotation to the workers listed with the Board:

Provided that a monthly worker of a particular category attached to a listed employer shall be entitled to be employed by that employer in preference to a daily worker.

16. Obligations of listed dock workers.—(1) Each listed worker shall be deemed to have accepted the obligations of this Scheme.

(2) A listed worker shall not offer himself for employment with any other employer on any day on which he is offered employment by the Board.

(3) A listed worker who is available for work shall carry out the instructions of the Board and shall—

(a) report at such call or control point and remain there for such period as may be specified by the Board; and

(b) accept any employment in connection with dock work, whether in the category in which he is listed or any other category for which he is considered suitable by the Board.

(4) A listed worker when booked for work shall carry out the work entrusted to him as per the instructions of his employer or his authorised representative or supervisor.

17. Special provisions in respect of foodgrain workers and their employers.—

(1) The provisions of clauses 12, 13 and 15 to 25 shall, in relation to the foodgrain workers working in the docks and their employers, apply subject to the following provisions, namely:—

(i) The Department of Food in the Ministry of Food, Agriculture, Community Development and Co-operation of the Government of India or its authorised contractor shall be listed under sub-clause (3) of clause 12 and the Department of Food or the name of the contractor shall be included in the list of employers:

Provided that the name of the contractor shall be removed from the list of employers on the expiry, termination or cancellation of his contract with the aforesaid Department.

- (ii) If the number of foodgrain workers listed under clause 13 is not adequate for the requirement of the docks, the Board may—
 - (a) transfer any surplus listed workers, if found suitable, to the list of foodgrain workers; and
 - (b) arrange to list new workers, who are citizens of India from workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day of recruitment, direct recruitment after absorbing suitable men from the Employment Exchange may be made;
- (iii) The Board shall arrange for the classification of the foodgrain workers by categories in the list and prepare and maintain a separate sub-list of workers for each of the categories. The foodgrain worker listed shall be classified into the following categories, namely:—
 - (a) Baggers;
 - (b) Loaders;
 - (c) (i) Pallawalas;
(ii) Pallawallis;
 - (d) Stitchers.
- (iv) Each sub-list of workers prepared under item (iii) shall constitute a pool of workers for the category to which the said sub-list relates;
- (v) The Baggers and Loaders shall be employed in gangs, each gang consisting of such number of workers as may be fixed by the Board;
- (vi) Workers of each category shall be allotted work by rotation. Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs;
- (vii) Administrative Body shall be responsible for the allocation of the foodgrain workers in the pools constituted under item (iv) who are available for work;
- (viii) The Department of Food or its contractor shall not employ a worker other than a foodgrain worker who has been allocated by the Administrative Body in accordance with the provisions of item (vii);
- (ix) The listed employer shall in accordance with arrangements made by the Board submit all available information of his current and future labour requirements to the Board;
- (x) The employer shall pay to the Board in such manner and at such times as the Board may direct, the administrative and other charges as may be prescribed by the Board under sub-clause (6) of clause 15;
- (xi) The employer shall keep such records as the Board may require, and shall produce to the Board, or to such persons as may be designated by the Board, upon reasonable notice all such records and documents of any kind relating to foodgrain workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or direction issued by or on behalf of the Board;
- (xii) A foodgrain worker in the pool who is available for work shall be deemed to be in the employment of the Board;
- (xiii) A foodgrain worker in the pool who is available for work shall not engage himself for employment under any listed employer other than the Department of Food or its contractor unless he is allocated to that listed employer by the Board;
- (xiv) A foodgrain worker in the pool who is available for work shall carry out the directions of the Administrative Body and shall—
 - (a) report at such call stands or control points on such days and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points for such period, not exceeding one hour, as may be specified;

- (b) accept any employment in connection with dock work whether in the category or sub-category in which he has been listed or in any other category or sub-category for which he is considered suitable by the Administrative Body;
- (xv) A listed foodgrain worker who is available for work when allocated by the listed employer shall carry out his duties in accordance with the directions of such employer or his authorised representative or supervisor and the rules of the port or place where he is working.
- (xvi) A foodgrain worker in the pool who fails to comply with any of the provisions of this Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the officer designated for the purpose who may after investigating the matter, give him a warning in writing or suspend him for a period not exceeding seven days;
- (xvii) Where in the opinion of the said officer, a higher punishment than that provided in item (xvi) is merited, he shall report the case to the Deputy Chairman;
- (xviii) On receipt of the written report from the said officer under item (xvii) or from the listed employer that a foodgrain worker in the pool has failed to comply with any of the provisions of this Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard output or has been inefficient in any other manner, the Deputy Chairman may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties, namely:—
 - (a) give him a warning in writing;
 - (b) suspend him for a period not exceeding three months;
 - (c) terminate his services after giving fourteen days' notice or
 - (d) dismiss him;
- (xix) Before any action is taken under item (xvi) or (xviii), the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him. A copy of the final order shall also be communicated to the person concerned;
- (xx) The listed employer shall be informed simultaneously about the action taken under item (xvi) or (xviii);
- (xxi) A foodgrain worker in the pool, who is aggrieved by an order passed by the Officer mentioned in item (xvi) or the Deputy Chairman under item (xviii), may appeal to the Deputy Chairman or the Chairman, as the case may be. The appeal, shall be in writing and shall be preferred within fourteen days of the receipt of the order appealed against and the order passed on such appeal shall be final;

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days.

(2) If the Board is satisfied that the listed foodgrain employer which shall include the Department of Food or its representative has made adequate arrangements for the operation of the pool of listed foodgrain workers and payment of wages direct to them, the Board may direct that the provisions of clauses 12, 13, 15 to 19 and 23 to 25 of this Scheme shall in relation to the foodgrain workers and their employers be subject only to the provisions of items (i) to (vi) of sub-clause (1) and the following—

"If the number of listed foodgrain workers available for work in any shift is not sufficient, the employer may, subject to any limitations imposed by the Board, employ along with the available listed foodgrain workers unlisted workers in that shift"

(3) A listed employer shall on demand make a payment to the Administrative Body by way of deposit for wages which may be due to be paid to the listed foodgrain workers against the labour drawn, as the Board may consider necessary.

18. Restriction on employment.—Subject to the provisions of clause 1, no person other than a listed employer shall employ any worker on dock work, nor

shall a listed employer engage for employment or employ a worker on dock work unless that worker is a listed worker.

19. Disciplinary procedure.—(1) The Personnel Officer on receipt of information, whether on a complaint or otherwise that a listed employer has failed to carry out any of the provisions of this Scheme may, after investigating the matter,—

(i) give him a warning in writing, or

(ii) if in his opinion, a higher penalty is merited, report the case to the Deputy Chairman.

(2) The Deputy Chairman shall then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

(a) censure the employer and record the censure in his record sheet; or

(b) subject to the approval of the Board and after one month's notice in writing to the employer, direct that the name of the employer be removed from the list of employers for such period as may be determined by the Board or permanently if the Board so determines.

(3) Before any action is taken under this clause, the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him. A copy of the final order shall also be communicated to the person concerned.

(4) All disciplinary powers in respect of a listed worker shall vest in the listed employer by whom that worker is employed. A copy of every order passed against a worker shall be communicated to him. The name of a listed worker who is discharged as the result of disciplinary action shall be communicated to the Board by the listed employer concerned. On receipt of such information, the Board shall remove the workers' name from the list unless the order of discharge is set aside on appeal preferred under clause 24.

20. Guaranteed Minimum Wages in a month.—A worker in the pool shall be paid wage at least for twelve days in a month at the wage rate, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above. The guaranteed minimum wages in a month shall be:—

(a) for the number of days for which wages are guaranteed in a month subject to the condition that the worker attended for work on all days of the month as directed by the Board; or

(b) proportionate to the number of days on which the worker attended for work provided he was excused from attendance on all the remaining days of the month.

(2) Subject to the provisions of sub-clause (1), the minimum number of days in a month for which wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the pool in the lowest categories of dock workers during the preceding year until the minimum number of days reaches twenty-one, provided that the number so fixed shall not, in any case, be less than the number in the preceding year.

NOTE.—The method of assessing the average employment is detailed in Schedule II.

(3) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2), shall not automatically apply to workers in new categories that may be listed after the date of commencement of this Scheme. The minimum number of days for which wages shall be guaranteed to these categories shall be determined after a year of the introduction of the rotational booking. The annual re-fixation of the minimum number of days, as under sub-clause (2) shall be done independently in their case also.

Explanation.—In sub-clauses (1), (2) and (3) of this clause a "day" shall mean a "shift".

21. Attendance allowance.—Subject to the other provisions of this Scheme, a worker in the pool who is available for work, but for whom no work is found shall be paid attendance allowance at the rate of rupee one per day for the

days on which during a calendar month he attended for work as directed by the Board and no work was found for him

Provided that the Board may allow payment of attendance allowance at such higher rate not exceeding rupees two as it may deem necessary:

Provided further that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance, have been paid.

22. Special provision in respect of workers involved in criminal charges—
Notwithstanding anything contained in the Scheme—

(i) A worker arrested or detained by the police on a criminal charge (hereinafter referred to as the charge) for a period exceeding 48 hours shall be deemed to have been suspended by an order of the Deputy Chairman with effect from the date of detention and shall remain under suspension until further orders. In cases of arrest or detention for a period not exceeding 48 hours the worker may be placed under suspension if the Deputy Chairman thinks fit and proper.

(ii) If the worker is released on bail, the question whether the worker should be allowed to resume duty shall be considered by the Deputy Chairman. While permission to resume duty may be granted where the offence is a trivial or technical one, no such permission shall be granted if there is a serious charge particularly involving moral turpitude and the decision of the Deputy Chairman shall be final.

(iii) In every such case, the Administrative Body shall also ascertain whether the charge relates to his work or position as a dock worker. If the worker appears to the *prima facie* guilty of misconduct or negligence of duty he should also be proceeded with in accordance with the provisions of the Scheme, and such proceedings may ordinarily be undertaken and continued without waiting for the outcome of the criminal case.

(iv) In cases where the charge does not relate to the conduct of the worker as a dock worker, no action shall be taken till the decision of the criminal court is known. As soon as the decision of the court is known, it shall be communicated to the Deputy Chairman for the issue of orders as to how the worker is to be dealt with.

(v) If the worker is discharged or honourably acquitted by the court he shall ordinarily be allowed to resume duty the period under suspension being treated as a period on duty.

(vi) If the worker is convicted of a charge which is considered to be of such a nature as to render his further continuance as a dock worker undesirable, the Deputy Chairman may on taking into account the facts and circumstances of the case direct the removal of the name of the worker from the Register. In any other case, the Deputy Chairman may pass such orders as he thinks fit and proper.

23. Appeals by employers.—(1) A listed employer who is aggrieved by an order made under clause 19 may appeal—

(a) to the Deputy Chairman, if the order was made by the Personnel Officer; or

(b) to the Chairman, if the order was made by the Deputy Chairman.

(2) A dock employer who has been refused listing under clause 12 may appeal to the Central Government.

(3) Every appeal referred to in sub-clauses (1) and (2) shall be in writing and preferred within fourteen days of the date of receipt of the order appealed against and the order passed on such appeal shall be final:

Provided that the appellate authority may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days.

24. Appeals and Review.—(1) A listed worker who is aggrieved by an order under clause 19(4) may appeal—

(a) to the Deputy Chairman, if the order was made by the Personnel Officer; or

(b) to the Chairman, if the order was made by the Deputy Chairman.

(2) The Board may, on its own or on a representation received from an interested party, review its decision regarding the listing of dock worker under clause 13 or refusal to list a particular worker

(3) An appeal under sub-clause (1) or a review under clause (2) shall be in writing and preferred within fourteen days of the receipt of the order appealed against and the order passed on such appeal or review shall be final:

Provided that the appellate or reviewing authority may for reasons to be recorded admit an appeal or an application for review preferred after the expiry of fourteen days.

25. **Penalties.**—A contravention of clause 18 shall be punishable with fine not exceeding two hundred rupees in respect of a first contravention or five hundred rupees in respect of any subsequent contravention.

SCHEDULE I

[See clause 1(2)]

Classes of workers to whom this Scheme applies—

- (1) Workers employed on stevedoring of all vessels.
- (2) Workers working in the port for handling foodgrain, fertilizer and other cargoes imported, exported or cleared by the Ministry of Food, Agriculture and Cooperation.

SCHEDULE II

[See clause 20]

The minimum number of days in a month for which wages are guaranteed should be assessed on the basis of average employment during the preceding 12 months according to the following procedure:—

- (a) Supposing an assessment is being made in the month of October 1965 the total number of gang workers in the reserve pool (including Leave Reserve Workers) as on 1st October 1964 and 31st October, 1964 should be ascertained. The average strength, on the register, of these categories should be ascertained by adding the two figures and dividing by 2.
- (b) The total number of man-shifts worked by gang workers of the categories referred to in (a) during the month should be ascertained from the daily employment statistics.
- (c) The total number of man-days of authorised or unauthorised leave taken by the above workers should be ascertained. This figure should be divided by the number of working days in the month to ascertain the average number of workers away on leave.
- (d) The figures ascertained as in (c) should be deducted from the average obtained as in (a) to arrive at the effective strength of workers available during the month.
- (e) The figure of man-shifts ascertained under (b) should be divided by the effective strength ascertained as in (d). The figure arrived at will be the average number of days of employment during the month of October 1964.
- (f) The above process should be repeated for the remaining 11 months from November 1964 to September 1965.
- (g) The average employment figures for the 12 months should be added and divided by 12.
- (h) The figures arrived at in (g) above should be fixed as the minimum number of days for which wages will be guaranteed for the following 12 months ending 30th September, 1966.

The following example will illustrate:—

Suppose the total number of gang workers and Leave Reserve Workers in the reserve pool as on 1st October, 1964		2,000
Do.	31st October, 1964	1,950
		<hr/> 3,950
Average strength on the register for the month		$\frac{3,950}{2} = 1,975$
Total number of man-shifts worked by the workers of the above categories in October, 1964		36,000
Total number of man-days authorised or unauthorised leave taken by the workers		5,250

Number of working days in the said month (31 days of the month less one non-working day)	30	
Average number of workers away on leave	5,250	175
	30	
Effective strength available during the month	1975-175	1,800
Average employment for the month of October, 1964	36,000	20 days
	1,800	

The same procedure will be followed to arrive at the average employment for the remaining 11 months. Let us assume the figures are as follows :—

October	1964	20
November	1964	21
December	1964	18
January	1965	20
February	1965	18
March	1965	19
April	1965	20
May	1965	19
June	1965	18
July	1965	19
August	1965	20
September	1965	16
TOTAL		228

The number of days for which wages will be guaranteed for the next 12 months ending 30th September 1966 will be $\frac{228}{12} = 19$ days.

[No. 634/1/66-Fac.]

K. D. HAJELA. Under Secy.

(Department of Labour and Employment)

New Delhi, the 5th January 1968

S.O. 195.—In pursuance of sub-section (1) of section 14, sub-section (1) of section 15, sections 16, 17 and 18 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963) and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4117, dated the 6th November, 1967, the Central Government hereby authorises the Deputy Commissioner of Labour, Hyderabad to exercise the powers under sections 14, 15, 16, 17 and 18 of the said Act throughout the State of Andhra Pradesh.

[No. 3/40/66-Spl. Fac. II.]

VIDYA PRAKASH, Dy Secy.

(Department of Labour and Employment)

New Delhi, the 5th January 1968

S.O. 196.—Whereas M/s. Bhopal Sugar Industries, Sehore, Madhya Pradesh, were granted exemption from the Employees' Provident Funds Scheme, 1952 under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952) by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3014, dated the 20th September, 1962. And, whereas, the employer in relation to the said establishment has expressed his willingness to surrender the said exemption voluntarily and has requested for cancellation of the said exemption;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 17 of the said Act, the Central Government hereby cancels the said exemption.

This notification shall be deemed to have come into force with effect from the 31st October, 1966.

[No. 11/66/67-PF. II.]

S.O. 197.—In exercise of the powers conferred by sub-section (2) of section 5-D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1606, dated the 27th April, 1967, the Central Government hereby appoints Shri V. Hemchandra Rao as Regional Provident Fund Commissioner for the whole of the State of Madras and Karaikal areas of the Union Territory of Pondicherry to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri K. S. Naik, with effect from the 14th December, 1967.

[No. 17(95)/66-PF. I(i).]

S.O. 198.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1608, dated the 1st May, 1967, the Central Government hereby appoints Shri V. Hemchandra Rao to be an Inspector for the whole of the State of Madras, and Karaikal areas of the Union Territory of Pondicherry for the purposes of the said Act and of any scheme framed thereunder in relation to establishments belonging to or under the control of the Central Government, or in relation to establishments connected with a railway company, a major port, a mine or an oil-field, or a controlled industry *vice* Shri K. S. Naik.

[No. 17(95)/65-PF. I(ii).]

New Delhi, the 6th January 1968

S.O. 199.—In exercise of the powers conferred by sub-section (2) of section 5-D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1773, dated the 12th May, 1967, the Central Government hereby appoints Shri K. S. Naik as Regional Provident Fund Commissioner for the whole of the State of Mysore to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri V. Hemachandra Rao, with effect from the 11th December, 1967.

[No. 17(3)/67-PF. I(i).]

S.O. 200.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1774, dated the 15th May, 1967, the Central Government hereby appoints Shri K. S. Naik to be an Inspector for the whole of the State of Mysore for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry.

[No. 17(3)/67-PF. I(ii).]

New Delhi, the 8th January 1968

S.O. 201.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and being satisfied that it is no longer necessary to continue the exemption granted to the College of Ceramic Technology, 71 Sura, First Lane, Bellaghata, Calcutta 10, through the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. F. 6(86)/65-HI, dated the 8th March, 1966, the Central Government hereby rescinds the aforesaid notification.

[No. F. 6(73)/67-HI.]

S.O. 202.—Whereas the Central Government is satisfied that the employees of the Posts and Telegraphs Motor Service Workshop, Bombay, belonging to the Government of India in the Department of Communications, Posts and Telegraphs

Board, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948)

Now, therefore, in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948, and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) S.O. No. 786, dated the 4th March, 1967, the Central Government hereby exempts the abovementioned factory from all the provisions of the said Act for a further period of one year with effect from the 15th January, 1968.

[No. F. 6(61)/66-HI.]

S.O. 203.—Whereas the Central Government is satisfied that the employees of the Government Telegraph Stores, Bombay belonging to the Government of India, Department of Communications, Posts and Telegraphs Board, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948, (34 of 1948).

Now, therefore in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948, and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 883 dated the 7th March 1967, the Central Government hereby exempts the above mentioned factory from all the provisions of the said Act for a further period of one year with effect from the 15th January, 1968.

[No. F. 6(61)/66-HI.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

ORDERS

New Delhi, the 6th January 1968

S.O. 204.—Whereas an industrial dispute exists between the raising contractors of the Rajhara Group of Mines of Bhilai Steel Project, Bhilai specified in Schedule I (hereinafter referred as the said employers) and their workmen represented by the unions specified in Schedule II (hereinafter referred to as the unions);

And whereas the said employers and the unions have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 21st December, 1967.

SCHEDULE I.

S/Shri

1. Manoharlal Jain, for M/s. Manoharlal Jain & Co., Aridongrimine, M/s. K. L. Golcha, Dalli Mines, M/s. Premraj Gundhar, Kokan Mines, M/s. Hamirmal Jain, Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg. (M.P.).
2. Anoopchand Jain, for M/s. A.C. & Co., Dalli Mines, M/s. N. C. Jain & Co., Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
3. Murlidhar Lohia, for M/s. Adarsh Minerals, Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
4. Pukhraj Jain, for M/s. Hindustan Miners, Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
5. Lakshmilal, Transport Contractor, Dalli mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
6. Tikamchand Jain, for M/s. K. C. Jain, Kokan Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).

7. N. D. Kamle, Kokan Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
8. S. C. Tripathi, Manager, Rashtriya Khadan Mazdoor Sahakari Samiti Ltd., Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
9. S. K. Dutta, Manager, Khadan Mazdoor Sahakari Samiti Ltd., Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).

SCHEDULE II.

S/Shri

1. S. K. Sanyal, President, Samyukta Khadan Mazdoor Sangh (A.I.T.U.C.). P.O. Rajnandgaon (M.P.).
2. Prakash Roy, General Secretary, S. K. M. S. (A.I.T.U.C.).
3. P. B. Chakravorty, Secretary, Steel Workers Union (I.N.T.U.C.), Rajhara Branch, P.O., Dalli-Rajhara, Dist., Durg (M.P.).
4. P. K. Sengupta, General Secretary, Khadan Mazdoor Congress (Ind.), P.O. Dalli-Rajhara, Dist., Durg (M.P.).
5. N. S. Ghadge, General Secretary, Chattishgarh Khadan Mazdoor Union (H.M.S.), P.O. Dalli-Rajhara, Dist., Durg (M.P.).
6. S. B. Singh, General Secretary, Mine Workers Union (Ind.), P.O. Dalli-Rajhara, Dist. Durg (M.P.).

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947).

BETWEEN

Name of the Parties:

Representing Employers:

S/Shri

1. Manoharlal Jain, for M/s. Manoharlal Jain & Co., Aridongrimine M/s. K. L. Golcha, Dalli Mines, M/s. Premraj Gundhar, Kokan Mines, M/s. Hamirmal Jain, Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
2. Anoopchand Jain, for M/s. A. C. & Co., Dalli Mines, M/s. N. C. Jain & Co., Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
3. Murlidhar Lohia, for M/s. Adarsh Minerals, Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
4. Pukhraj Jain, for M/s. Hindustan Miners, Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
5. Lakshmilal, Transport Contractor, Dalli mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
6. Tikamchand Jain, for M/s. K. C. Jain, Kokan Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
7. N. D. Kamle, Kokan Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
8. S. C. Tripathi, Manager, Rashtriya Khadan Mazdoor Sahakari Samiti Ltd., Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).
9. S. K. Dutta, Manager, Khadan Mazdoor Sahakari Samiti Ltd., Dalli Mines, P.O. Dalli-Rajhara, Dist., Durg (M.P.).

Representing Workmen

S/Shri

1. S. K. Sanyal, President, Samyukta Khadan Mazdoor Sangh (A.I.T.U.C.). P.O. Rajnandgaon (M.P.).
2. Prakash Roy, General Secretary, S. K. M. S. (A.I.T.U.C.).
3. P. B. Chakravorty, Secretary, Steel Workers Union (I.N.T.U.C.), Rajhara Branch, P.O., Dalli-Rajhara, Dist., Durg (M.P.).
4. P. K. Sengupta, General Secretary, Khadan Mazdoor Congress (Ind.), P.O. Dalli-Rajhara, Dist., Durg (M.P.).
5. N. S. Ghadge, General Secretary, Chattisgarh Khadan Mazdoor Union (H.M.S.), P.O. Dalli-Rajhara, Dist., Durg (M.P.).
6. S. B. Singh, General Secretary, Mine Workers Union (Ind.), P.O. Dalli-Rajhara, Dist., Durg (M.P.).

It is hereby agreed between the parties to refer the following Industrial Dispute to the Arbitration of Shri R. J. T. De'Mello, Dy. Chief Labour Commissioner (Central), New Delhi.

1. *Specific matter in dispute:*

Is there a necessity to fix up norms of productions for:

- (a) Raising of blasted ore and Float ore;
- (b) Transport loading and unloading of trucks;
- (c) Despatch by loading of railway wagons; and
- (d) Mechanical and manual Drilling and Blasting

for the piece rated workers employed by the contractors in the Iron Ore Mines of Bhilai Steel Plant to ensure payment of wages as recommended by the Wage Board for Iron Ore Mining Industry? If so, what should be the norms and the relief the workers are entitled to?

2. *Details of the parties in the dispute:*

Contractors of Bhilai Steel Plant as named above and their workmen represented by the Unions as indicated above.

3. *Name of the union representing the workmen in question*

As indicated above.

4. *No. of workers employed in the undertakings effected—7,000:*

5. *Estimated No. of workmen affected or likely to be affected—7,000:*

We further agree that the decision of the Arbitrator shall be binding on us, and it is requested that the Arbitrator shall make his award within 3 months otherwise it will be open to parties to choose another arbitrator.

Representing Employers

1. Sd/- Manohar Lal Jain
2. Sd/- Anoopchand Jain
3. Sd/- Murlidhar Lohia
4. Sd/- Pukhraj Jain
5. Sd/- Lakshmilal
6. Sd/- Tikamchand Jain
7. Sd/- N. D. Kamle
8. Sd/- S. C. Tripathi
9. Sd/- S. K. Dutta.

Representing Workmen

1. Sd/- S. K. Sanyal
2. Sd/- Prakash Roy
3. Sd/- P. B. Chakravorty
4. Sd/- P. K. Sengupta
5. Sd/- N. S. Ghadge
6. Sd/- S. B. Singh.

Witnesses:

1. Sd/- Illegible.
2. Sd/- Illegible.

5-12-67.

ASOMQ(R)

[No. F. 36/44/67-LRI.]

S.O. 205.—In exercise of the powers conferred by rule 126AA of the Defence of India Rules, 1962, the Central Government hereby rescinds the undermentioned orders of the Government of India in the late Ministry of Labour and Employment namely:—

- (1) No. S.O. 1598, dated the 7th June, 1963 declaring employment in any undertaking engaged in the erection of the Dhuvaran Thermal Power Station in Kaira District in the State of Gujarat as essential.
- (2) No. S.O. 1427, dated the 1st May, 1965 declaring employment in any undertaking engaged in the transport or carriage of passengers or goods by air as essential.
- (3) No. S.O. 2981, dated the 15th September, 1965 declaring employment in the offices of any bank as defined in the Explanation to the said Order as essential.

[No. F. 10/6/67-LRI.]

S.O. 206.—In exercise of the powers conferred by rule 126 of the Defence of India Rules, 1962, the Central Government hereby rescinds the undermentioned orders of the Government of India in the late Ministry of Labour and Employment, namely:—

1. No. S.O. 1597, dated the 7th June, 1963 prohibiting strikes and lockouts in any undertaking engaged in the erection of the Dhuvaran Thermal Power Station in Kaira District in the State of Gujarat.
2. No. S.O. 1426, dated the 1st May, 1965 prohibiting strikes and lockouts in any undertaking engaged in the transport or carriage of passengers or goods by air

[No. F. 10/6/67-LRI.]

O. P. TALWAR, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 1st January 1968

S.O. 207.—In exercise of the powers conferred on Chief Settlement Commissioner by Sub-Section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), he hereby further delegates to Shri Rajni Kant, Settlement Commissioner, the following power of the Chief Settlement Commissioner:—

1. Power to transfer cases under Section 28 of the said Act.

[No. 5(8)AGZ/65.]

New Delhi, the 5th January 1968

S.O. 208.—In exercise of the powers conferred on the Chief Settlement Commissioner by Section 34(2) of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), he hereby delegates to Shri Dasondha Singh, PCS Asstt. Settlement Commissioner, Rehabilitation Deptt. Punjab Government, his powers under Sections 23, 24 & 28 of the said Act for the purpose of passing necessary orders under these sections in respect of (i) agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the compensation pool and (ii) the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Deptt. of Rehabilitation) No. 3(37)/L&R-63A dated the 5th March, 1964.

[No. 3(5)/L&R-67.]

H. K. TANDON,

Chief Settlement Commissioner.

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd January 1968

S.O. 209.—In exercise of the powers conferred by Section (I) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri Gulab L. Ajwani as Claims Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act.

[No. 5(6)AGZ/66.]

S.O. 210.—In exercise of the powers conferred by sub-Section (I) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Gulab L. Ajwani as Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act.

[No. 5(6)AGZ/66.]

New Delhi, the 5th January 1968

S.O. 211.—In exercise of the powers conferred by sub-section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Dasondha Singh, PCS, working in the Rehabilitation Department, Punjab Government as Asstt. Settlement Commissioner in the State of Punjab for the purpose of performing, in addition to his own duties, as Asstt. Settlement Commissioner, Rehabilitation Department, Punjab Government, the functions assigned to an Asstt. Settlement Commissioner, by or under the said Act, in respect of (i) agricultural lands and shops in any rural areas including houses, cattle-sheds and vacant sites forming part of the Compensation Pool, and (ii) the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Deptt. of Rehabilitation) No. 3(37)/L&R-63A dated the 5th March, 1964.

[No. 3(5)/L&R-67-A.]

ORDER

New Delhi, the 29th December 1967

S.O. 212.—In pursuance of rule 76-A of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the Central Government hereby makes the following Order to amend the Order published with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. S.O. 530, dated the 3rd February, 1964, namely:—

In the said Order,

For the words and figures “31st December, 1967”, the words and figures “31st March, 1968” shall be substituted.

[No. F. 14(22) Comp. & Prop./64.]

A. G. VASWANI,

Settlement Commissioner & *Ex-Officio* Under Secy

CENTRAL BOARD OF EXCISE AND CUSTOMS

CUSTOMS

New Delhi, the 13th January 1968

S.O. 213.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Uhasnagar near Kalyan, in the State of Maharashtra, to be a warehousing station.

[No.6/88/-F. No. 3/54/67-Cus. VII.]

M. S. SUBRAMANYAM, Under Secy.

S.O. 275.—In pursuance of sub-section (5) of section 7 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962), read with paragraph 21 of the Emergency Risks (Factories) Insurance Scheme, the Central Government hereby publishes, as follows, an account of the sums received into and paid out of the Emergency Risks (Factories) Insurance Fund during the year ending with the 31st March, 1967:

Account of sums received into and paid out of the Emergency Risks (Factories) Insurance Fund during the year ending with the 31st March, 1967.

Receipts			Expenditure		
	Amount	Progress of receipts upto the 31st March, 1967		Amount	Progress of expenditure upto the 31st March, 1967
	Rs. P.	Rs. P.		Rs. P.	Rs. P.
1. Insurance premium	6,42,33,000·00	34,63,33,000·00	1. Remuneration expenses of Government Agent & Cost of forms	3,45,889·78	14,70,117·54
2. Advances from Consolidated Fund of India under Section 7(3). . . . .	..	..	2. Payment of liabilities under the Emergency Risks (Factories) Insurance Scheme and remunerations and expenses of Loss Assessors appointed under the Scheme	30,99,752·86	30,99,752·86
			3. Payment under Section 10 where a factory is required to be removed to and reconstructed in another locality . . . . .	..	..
			4. Refund of premium under Section 16 or under paragraph 15 of the Scheme	300·00	300·00
			5. Repayment of advances made under Section 7(3). . . . .	..	..
			6. Miscellaneous Expenditure (showing details if necessary) . . . . .	..	..
3. Miscellaneous receipts . . . . .	..	..	7. Sums disposed of in accordance with section (4) . . . . .	..	..
TOTAL	6,42,33,000·00	34,63,33,000·00		34,45,942·64	45,707,170·40

[No. F. 104(1)-INS-1/67-ERI-II.]
RAJ K. NIGAM, Dy. Secy.

